DOCUMENT RESUME

ED 217 619 EC 142 704

AUTHOR Sadler, Anne; Chaney, Clyneice
TITLE P.L. 94-142 and the Minority Child. Module I.
INSTITUTION National Alliance of Black School Educators, Washington, DC. Training Assistance Center.
SPONS AGENCY Special Education Programs (ED/OSERS), Washington, DC.
PUB DATE 81
GRANT G007901223
NOTE 115p.; Parts of the document are marginal and may not reproduce well. For related documents, see EC 142 705-708.

EDRS PRICE MF01/PC05 Plus Postage.
DESCRIPTORS *Black Students; Curriculum; *Disabilities; Elementary Secondary Education; *Federal Legislation; *Individualized Education Programs; Lesson Plans; *Minority Groups; Preservice Teacher Education; *Student Rights
IDENTIFIERS *Education for All Handicapped Children Act

ABSTRACT

The first of five modules is designed to provide teacher educators and preservice teachers with an understanding of the content and implications of P.L. 94-142 (the Education for All Handicapped Children Act) as they relate to the education of black and other minority group handicapped children. The module is designed to be presented in three 50 minute classes covering the right to education movement for the handicapped, the major components of the law relative to black and other minority handicapped students, and the individualized education plan (IEP) process with emphasis on the collaborative and supportive interaction among professionals and minority parents. Following an initial section addressing the presession objectives and organization are separate sections for each class session. Provided for each class are instructional plans, handouts/transparencies list, lecture materials, and lists of references and resources. Pre- and postassessment tests, a role play activity, and a glossary are also included, along with sample handouts and transparency masters. (SB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED217619

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☒ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

MODULE I

P. L. 94-142 AND THE MINORITY CHILD

This work was developed pursuant to Grant No. (G) 007901223 from the Office of Special Education, U.S. Department of Education. The content, however, does not necessarily reflect the position or policy of OSE/ED and no official endorsement by the Office of Education should be inferred.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Marvin L. Greene

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Disseminated by:

National Alliance of Black School Educators
Dr. Marvin Greene, President
1430 K St., N.W.
Washington, D.C. 20005

EC 142704

P.L. 94-142 And The Minority Child

Copyright © 1981, by the National Alliance of Black School Educators. All rights reserved. Printed in the United States of America. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of the publisher.

NATIONAL ALLIANCE OF BLACK SCHOOL EDUCATORS
TRAINING ASSISTANCE CENTER

PROJECT STAFF

DIRECTOR

MARGARET SMITH

TEAM MEMBERS

ANNE SADLER - ASSOCIATE DIRECTOR FOR CURRICULUM DEVELOPMENT

CLYNEICE CHANEY - CURRICULUM COORDINATOR

DOUG LYONS, JR. - TRAINING COORDINATOR

CHARLENE CRAIG - ADMINISTRATIVE ASSISTANT

AUTHORS

ANNE SADLER, PHD.
Project Staff

CLYNEICE CHANEY, MS
Project Staff

REVIEWING CONSULTANTS

Helen Bessant-Byrd, PhD.
Chairperson, Special Education
Norfolk State University

Geneva Gay, PhD.
Assistant Professor
Department of Education
Purdue University

EDITOR
Craig A. Reynolds, PhD.

FORMER STAFF MEMBER
Calvin Crawl, PhD.

PROJECT ADVISORY BOARD

Dr. Calvin Atchinson
Dr. Dean Corrigan
Ms. Ingrid Draper
Dr. Alphonso Gore
Mr. Daniel Massie
Dr. Bernadette Merluzzi
Dr. Charles Moody
Dr. Deborah Wolfe
Dr. Kathleen Wright

Ms. Parthenia Smith - Chairperson

FOREWORD

With the passage of Public Law 94-142 came the challenge to the public school system to educate handicapped children in regular classrooms, the least restrictive environment in many instances. For many teachers, the presence of handicapped children in their classes presents problems which the teachers are ill-prepared to resolve.

Martin (1974) identifies attitudes, fears, anxieties, and possible overt rejection as barriers to the placement of handicapped children in regular classrooms. Moreover, the placement of Black and other minority group handicapped children in regular classrooms presents problems stemming from the race, culture, and socioeconomic level of the students. The minority handicapped child is confronted by the teacher's lack of sensitivity to and positive valuing of cultural differences as well as his/her ability to use teaching/learning strategies and develop and/or rewrite curricula in response to the needs of minority students. In addition, the term "minority" has the connotation of being less than other groups with respect to power, status, and treatment (Chinn, 1979).

To assist teacher educators to overcome these problems and to implement P.L. 94-142, NABSE/TAC has developed this series of modules. It is anticipated that these modules will be infused in teacher education programs at historically Black institutions and, thereby, serve as vehicles to encourage and inspire preservice teachers to use their minority perspectives and expertise for the benefit of special-needs minority students in relation to P.L. 94-142.

There are five instructional modules in this series. This instructional module and others in the series address the problems faced by Black handicapped and other minority handicapped students. The spirit and letter of P.L. 94-142 are explored relative to their problems. The modules are as follows:

- P.L. 94-142 and the Minority Child
- Minority Handicapped Students: Assessment Issues and Practices
- The Development and Delivery of Instructional Services: A Commitment to the Minority Handicapped Child
- Structuring the Learning Climate for Minority Handicapped Students
- Valuing the Diversity of Minority Handicapped Students

The module P.L. 94-142 and the Minority Child is to be used first. Thereafter, the teacher educator may choose to use any of the remaining modules as appropriate to the needs of his/her student population.

All children have a right to equality of education. The National Alliance of Black School Educators believes that through efforts such as those of the Training Assistance Center equality of educational opportunity for all Black and other minority students can be attained.

Chinn, Philip C. The exceptional minority child: issues and some answers. Exceptional Children, 1979, 45, 532-535.

Martin, E.W. Some thoughts on mainstreaming. Exceptional Children and Youth, November, 1974, 150-153.

CONTENTS

PRESESSION: page

Rationale..... i-ii

Goal..... iii

Flowchart..... iv

Organizational Plan..... v-vii

Copyright Information..... viii-ix

CLASS I: The Right to Education Movement Blue Tab

Instructional Plans..... 1-2
Handouts/Transparencies List..... 3
Pre-assessment Test..... 4-5
Lecture I..... 6-16
References..... 17
Resources..... 18

CLASS II: Public Law 94-142 Orange Tab

Instructional Plans..... 19-21
Handouts List..... 22
Lecture II..... 23-35
References..... 36
Resources..... 37

CLASS III: The IEP Conference Green Tab

Instructional Plans..... 38-39
Handouts List..... 40
Lecture III..... 41
Role Play Activity..... 42
Post-assessment Test..... 43-44
Resources..... 45

APPENDIX Pink Tab

Glossary

Handouts

Transparencies

PRESESSION

RATIONALE

Before November 1975, the opportunity to acquire a public school education in the United States had been denied to scores of children considered to be too "different" to be educated. School systems used exclusion, postponement, and suspension to deny access to some children labeled as handicapped. In addition to the practices perpetrated against handicapped students, minority students suffered inequities, abuse, neglect, and racism in the public education system.

In 1975, Congress passed the Education For All Handicapped Children Act, P.L. 94-142, which guarantees free appropriate education to all handicapped children. Before the enactment of the law, there were eight million unserved or underserved handicapped children of public school age who were being denied a free appropriate education. These handicapped children were outside the sphere of equality of educational opportunity because the public school system failed to provide education and related services to address their specific educational needs.

Public Law 94-142 has tremendous significance for handicapped children because it is a law that addresses one of the longstanding goals of American education, that of meeting the needs of the melange of students who attend the public school system. This law focuses on the RIGHT of every handicapped child to an appropriate education at public expense regardless of the nature or severity of the handicap. It mandates that each handicapped child receive an education that is tailored to his/her needs which have been determined by nondiscriminatory testing. Inherent in the law are guidelines that delineate

collaborative relationship between education personnel and parents to effect an individualized education program for each handicapped child.

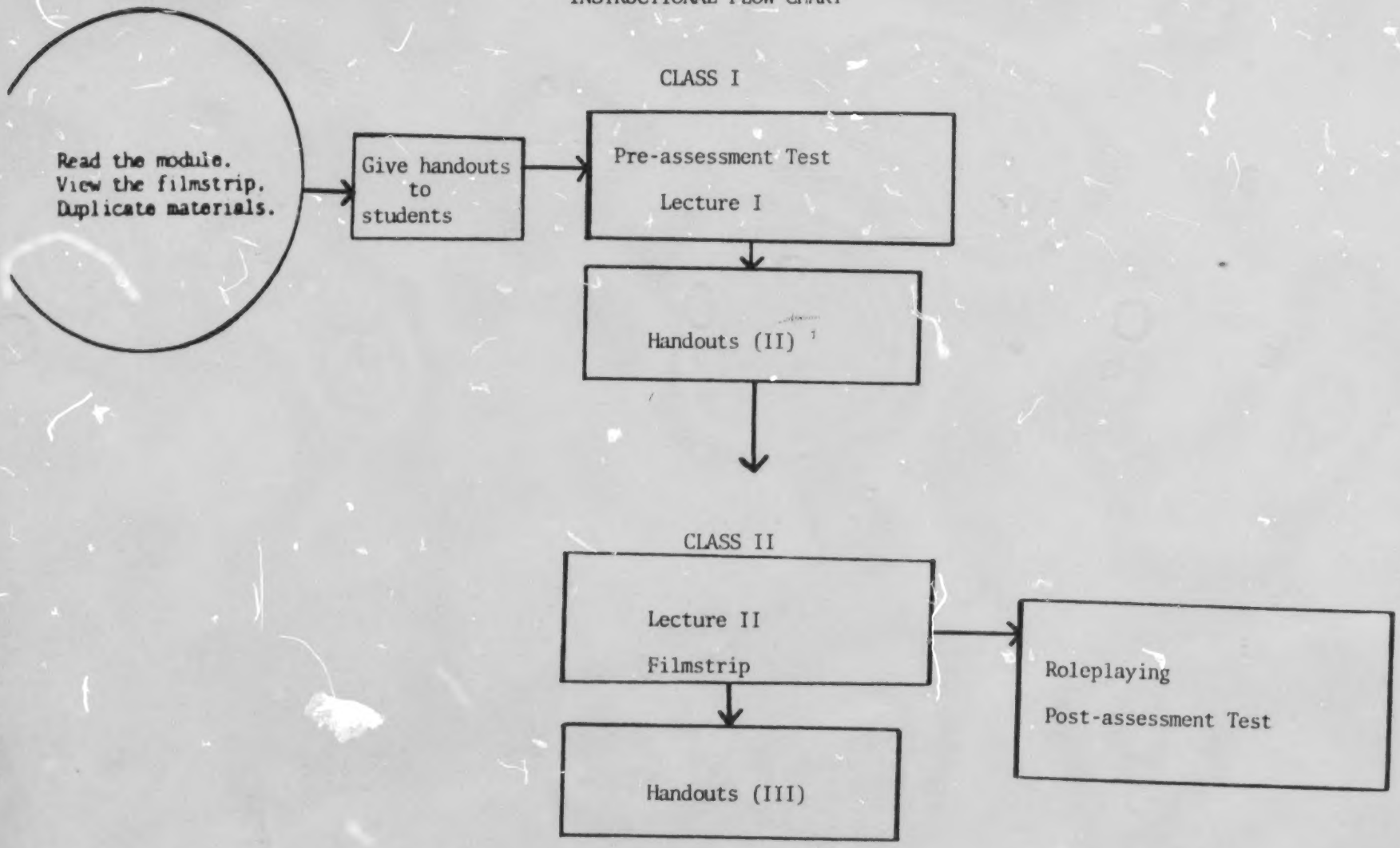
The provisions and guidelines set forth in P.L. 94-142 remove the education of handicapped children from the exclusive domain of special educators. Regular educators, psychologists, administrators, and other support personnel are charged with the responsibility of providing an equal educational opportunity for handicapped children. Many educators, however, are unprepared to teach children with handicapping conditions. Thus, teachers in historically Black institutions have a responsibility to provide preservice teachers with information and experiences that will engender the knowledge, skills, sensitivities, and competencies needed to carry out the mandates of P.L. 94-142 as they relate to Black and other minority handicapped students.

A step toward preparing preservice teachers to effectively teach handicapped children is to teach them the provisions of the law. This module, P.L. 94-142 and the Minority Child, provides such a step by identifying pertinent mandates of the law which have significance for Black and other minority handicapped children.

GOAL

The goal of the module is to provide teacher educators and preservice teachers with an understanding of the content and implications of Public Law 94-142 as they relate to the education of Black and other minority group handicapped children.

INSTRUCTIONAL FLOW CHART



Organizational Plan

This module, P.L. 94-142 and the Minority Child, is written for teacher educators in historically Black institutions who are not trained and/or experienced in Special Education. It is a vehicle that the teacher educator may use to familiarize preservice teachers with P.L. 94-142 and its implications for Black and other minority handicapped students.

P.L. 94-142 and the Minority Child focuses on (1) the right to education movement for the handicapped, (2) the major components of P.L. 94-142 relative to Black and other minority handicapped students, and (3) the Individualized Education Plan (IEP) process with emphasis on the collaborative and supportive interaction among professionals and minority parents.

The module is designed to be presented in three 50-minute classes. Presession activities to familiarize the teacher educator with the module have been included.

PRESESSION

1. Read the entire module including handouts.
2. View the filmstrip and generate follow-up questions.
3. Duplicate handouts; make transparencies; and make role cards for CLASS III.
4. Read additional materials on the education of the handicapped.
5. Give students the following handouts prior to CLASS I.
   - (I-1) Pennsylvania Association of Retarded Children, Nancy Beth Bowman, et al.

     vs.

     Commonwealth of Pennsylvania
     David H. Kurtzman, et al.

- (I-2) Mills vs. Board of Education of the District of Columbia
- (I-3) P.L. 94-142: Its Origins and Implications

CLASS I

Material

Instructional Plans
Handouts

Equipment

Overhead projector

- (II-1) Parent and Child Rights in P.L. 94-142
- (II-2) A Continuum of Service
- (II-3) Checklist for Identification of Potential Bias during Administration
- (II-4) Checklist for Minimizing Bias during Interpretation of Results
- (II-5) Diana vs. California State Board of Education
- (II-6) Larry P. vs. Riles
- (II-7) Sample Total Service Plan
- (II-8) IEP: Individual Implementation Plan

Transparencies

- (TP-1) Congressional Acts...
- (TP-2) The Fourteenth Amendment
- (TP-3) Major Components of P.L. 94-142
- (TP-4) The Right to Education Movement

Pre-assessment Test
Lecture I

CLASS II

Material — Equipment

Instructional Plans
Handouts

- (III-1) Individual Competencies Needed to Implement P.L. 94-142
- (III-2) Case studies III-2a, III-2b, III-2c
- (III-3) Responsibilities of IEP Committee Members
- (III-4) Discussion of Committee Members Input

Lecture II — Filmstrip projector
Filmstrip: Introducing P.L. 94-142*

CLASS III

Instructional Plans
Role Play Activity
Post-assessment Test

*Introducing P.L. 94-142 can be obtained at minimal cost from:

Color Film Corporation
777 Washington Blvd.,
Stamford, CT 06901

Work Order #042526
Item Code PT201, Negative #014137

COPYRIGHT INFORMATION

Identified below is copyright information on all articles that are recommended for use in this module. Some articles require a fee for use and others do not. The articles that require no fee are included in the module. NABSE/TAC offers this information to facilitate your securing the articles.

Handouts I-1, I-2

Abeson, A., et al. Public policy and the education of exceptional students. Reston, VA: Council for Exceptional Children, 1977, 62-75.

Publisher:

Council for Exceptional Children
1920 Association Drive
Reston, VA 22091

Handout - I-3

Zettel, T., Weintraub, F. P.L. 94-142: its origins and implications. National Elementary School Principal, 1978, 58, 12-18.

Publisher:

National Elementary Principal
1801 North Moore Street
Arlington, VA 22209

Handout - II-2

Meyen, E. Exceptional children and youth: an introduction. Denver: Love Publishing Company, 1980.

Publisher:

Love Publishing Company
6635 Villanova Place
Denver, CO 80222
Copyright fee: $12.00 per page.

Handout -II-5

Diana vs. Board of Education, (1970, 1973)
Reprinted from: Sierra, vs. Recent litigation in the placement of minority group children in the Southwest. Paper presented at the Council for Exceptional Children Convention, April, 1976, 8-9.

Available in module.

Handout -II-6

Larry P. vs. Riles, (1972)
Reprinted from: Weintraub, F. et al. Public policy and the education of exceptional children. Reston, VA: The Council for Exceptional Children, 1977, 11-12.

Publisher:

Council for Exceptional Children
1920 Association Drive
Reston, VA 22091

Available in module.

Handout-III-1

Haisley, F., Gilberts, R. Individual competencies needed to implement P.L. 94-142. Journal of Teacher Education, 1978, 29, 30-33.

Publisher:

American Association of Colleges for Teacher Educators
Suite 610
1 Dupont Circle
Washington, DC 20036

CLASS I

THE RIGHT TO EDUCATION MOVEMENT

INSTRUCTIONAL PLAN - CLASS I

Behavioral Objective	Enabling Activity		Materials
	Teacher Educator	Student	
The student will be able to indicate how the rights to education movement of the handicapped parallels the Black civil rights movement.	Lecture I	Lecture I	1a) Lecture I, The Right to Education Movement for the Handicapped
The student will be able to identify the principle issue(s) in the following court cases: • Brown vs. Board of Education, Kansas, (1954) • PARC vs. Board of Education of the Commonwealth of Pennsylvania (1972) • Wyatt vs. Stickney (1972) • Mills vs. Board of Education, District of Columbia (1972)	Lecture I	• Lecture I • Out of class reading of handouts	2a) Lecture I, The Right to Education Movement for the Handicapped b) Handouts • Pennsylvania Association of Retarde Children, Nancy Beth Bowman, et al vs. Commonwealth of Pennsylvania, David H. Kurtzman, et al. (I-1) • Mills vs. Board of Education of the District of Columbia (I-2) • P.L. 94-142: It's Origin and Implications (I-3) c) Transparencies • Congressional Acts (TP-1) • The Fourteenth Amendment (TP-2) • Major Components of P.L. 94-142 (TP-3) • Right to Education Movement (TP-4)

OPTIONAL - INSTRUCTIONAL PLAN - CLASS I

Behavioral Objective	Enabling Activity		Materials
	Teacher Educator	Student	
	1a.) Invite a civil rights attorney and Special Education professor/advocate for the handicapped to address the class on behavioral objectives 1 and 2. b.) Supplement the lecture with transparencies of the major points made in the lecture. 2a.) Have students read excerpts of Brown vs. Board of Education, Parc, Mills, Wyatt vs. Stickney court cases and write summaries.		

HANDOUTS, TRANSPARENCIES (Appendix)

CLASS I

Handouts

HO I-1 Pennsylvania Association of Retarded Children, Nancy Beth Bowman, et al.

HO I-2 Mills vs. Board of Education of District of Columbia

HO I-3 P.L. 94-142: Its Origins and Implications

Transparencies

TP-1 Congressional Acts...

TP-2 The Fourteenth Amendment

TP-3 Major Components of P.L. 94-142

TP-4 Right to Education Movement

NAME_____ DATE:_____

PROFESSOR_____

P.L. 94-142 AND THE MINORITY CHILD

PRE-ASSESSMENT

DIRECTIONS: For each numbered item there is a lettered set of alternative answers or completions. Select the BEST ONE for each item. Circle your response.

1. Which ONE of the following is NOT a component of P.L. 94-142?

   a) Least Restrictive Environment
   b) Teacher Certification
   c) Due Process
   d) Nondiscriminatory Testing
   e) Free Appropriate Education

2. Which ONE of the following issues is addressed in the Diana vs. California State Board of Education and Larry P. vs. Riles court cases?

   a) Standards used to assign children to special education
   b) Provision of multicultural education
   c) Qualified teachers to teach multi-handicapped students
   d) Provision of related services
   e) Individualized education programming

DIRECTIONS: Each numbered item is preceded by T (true) and F (false). Read each statement then, circle T or F to indicate whether the statement is true (T) or false (F).

T F 3. The right to education movement for the handicapped parallels the Black civil rights movement.

T F 4. At issue in the Brown vs. Board of Education, Topeka, 1954 court case was the constitutionality of the separate but equal doctrine.

T F 5. In the court case Mills vs. Board of Education the court made clear that the lack of funds to offer appropriate education and educational services was an unacceptable reason for failing to provide education for the handicapped.

T F 6. The issues in the court cases, Diana vs. California State Board of Education and Larry P. vs. Riles are most closely aligned with the Least Restrictive Environment provision of P.L. 94-142.

DIRECTIONS: Each lettered set of headings is followed by a numbered set of items. For each item select the ONE MOST CLOSELY RELATED heading and place the letter of the heading in the space preceding the item.

7. a) Chairperson (administrator, teacher)
   b) Referring Teacher(s)
   c) Teacher(s) of Exceptional children
   d) Parents/Child
   e) Consulting specialist

_____ Provide information concerning the home situation

_____ Define capabilities and constraints of present special education program

_____ Provide input on performance

_____ Provide specific input for describing child's performance

_____ Facilitate group decision making and provide support for implementation

_____ Provide anecdotal records of social interaction

DIRECTIONS: State the principle issue(s) in the following court cases:

8. COURT CASE: PARC vs. Board of Education of the Commonwealth of Pennsylvania (1972)

   ISSUE(s)

   COURT CASE: Wyatt vs. Stickney (1972)

   ISSUE(s)

ESSAY Be brief:

9. Why can the Individualized Education Plan (IEP) process be considered a vehicle for providing an equal educational opportunity for Black and minority group handicapped students?

10. Identify six guidelines that teachers should observe to facilitate the involvement of minority parents in the IEP conference.

Lecture I

The Right to Education Movement for the Handicapped

In the United States, there is a long history of educational practices that discriminate against and exclude handicapped children. Prior to the enactment of Public Law 94-142 in 1975, many of the eight million handicapped children in the United States were unserved or under-served although states had already made extensive revisions of their special education statutes in the early 1970's.

By 1975, 48 of 50 states had adopted some form of mandatory legislation that defined eligibility criteria for exceptional students and designated the services to be provided to them (Ballard and Abeson, 1976). Thus, each state provided for handicapped children as it saw fit but rarely made education mandatory for all handicapped children. This practice caused many handicapped children, especially the mentally ill and severely handicapped, to be excluded from receiving a public education. In addition, handicapped children in most instances were kept separate from non-handicapped children and they did not receive educational services comparable to non-handicapped children.

Table 1 depicts the status of handicapped children in the public school system in 1975-76.

TABLE 1: ESTIMATED NUMBER OF HANDICAPPED CHILDREN SERVED AND UNSERVED BY TYPE OF HANDICAP, 1975 - 1976

	# Served (projected)	# Unserved	Total # of Handicapped Served & Unserved	Percent Served	Percent Unserved
Total: Age 6-19	3,860,000	2,840,000	6,700,000	58	42
Total: Age 0-15	3,450,000	737,000	1,187,000	38	62
Total: Age 0-19	4,310,000	3,577,000	7,887,000	55	45
Speech Impaired	2,020,000	273,000	2,293,000	88	12
Mentally Impaired	1,350,000	157,000	1,507,000	90	10
Learning Disabilities	260,000	1,706,000	1,966,000	13	87
Emotionally Disturbed	255,000	1,055,000	1,310,000	19	81
Crippled & Other Health Impaired	255,000	73,000	328,000	78	22
Deaf	45,000	4,000	49,000	92	8
Hard of Hearing	66,000	262,000	328,000	20	80
Visually Handicapped	43,000	23,000	66,000	65	35
Deaf-Blind & Other Multi-Handicapped	16,000	24,000	40,000	40	60

Source:

American Education, June 1976

The evolution of the right to education movement for the handicapped is similar to that of the Black civil rights movement. The similarity lies in their use of legislation and the court to raise the consciousness of the American people and to secure rights denied to them because of race or handicap.

The Black civil rights movement began after the Emancipation Proclamation of 1863; thereafter, several acts were passed by Congress to protect the rights of Blacks (Use TP-1 in Appendix):

- The Freedman's Bureau Bill provided for the education of Blacks;
- The Civil Rights Act of 1866 declared that all persons born in the United States were citizens and entitled to every right that is enjoyed by white citizens without regard to race and color;
- The Fourteenth Amendment (1868) gave due process and equal protection under thelaw to all citizens;
- The Civil Rights Act of 1871 protected the voting rights of Blacks;
- The Civil Rights Act of 1875 provided that all persons without regard to nationality, race, color, or religion are entitled to the enjoyment of public accommodations, advantages, and facilities and have the right to serve on juries;
- The Civil Rights Act of 1957 established a Commission on Civil Rights;
- The Civil Rights Act of 1960 made it a crime for a person to use threats or force to obstruct or impede any individual the exercise of their civil rights.

Through these acts, Congress nationalized citizenship and provided Blacks with the right to vote; the right to serve on a jury; the right to use public accommodations without discrimination; and due process and equal protection under the law (Konvitz, et. el., 1961, p. 64).

In addition to certain legislation, the following court cases are milestones in the Black civil rights movement:

- The Civil Rights Cases of 1883 revoked the Civil Rights Act of 1875;
- Draper vs. Clark Dairy, Inc., 17 Conn. Supp 93 (1950) decreed that Clark Dairy Incorporated hire persons without regard to race;
- Levitt vs. Division Against Discrimination, 56 N.J. Super. 542, 153 A. 2d 700, 1959 upheld fair housing provisions;
- Brown vs. Board of Education, Topeka, 1954 struck down the separate but equal doctrine in education.

The 1970's saw the beginning of the right to education movement for the handicapped. Like the Black civil rights movement, the right to education movement lobbied for state and Federal legislation and used the court to seek redress of inequities. Abeson (1972) states the following:

> This movement was indicated by the introduction and passage of new state and Federal legislation, the delivery of major attorney generals' rulings, the growing establishment by the Federal courts that the right to an education and the right to treatment for handicapped individuals is "inalienable," the availability of increased funds, and the increased attention to the delivery of services for the education of the handicapped by public policy makers.

Denial of access to the public education system and inappropriate education were and are violations of due process and equal protection under the Fourteenth Amendment to the United States Constitution. The most important passages of the Fourteenth Amendment as they relate to the right to education for Black and other minority handicapped students are Sections one (1) and five (5). Sections one (1) and five (5) are as follows (Use TP-2 in Appendix):

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny any person within its jurisdiction the equal protection of the laws.* * *
>
> The Congress shall have the power to enforce this article by appropriate legislation.

Through the years the Fourteenth Amendment has impacted many civil rights and right to education issues. It figured prominently in the Brown vs. Board of Education, Topeka, Kansas case which struck down the separate but equal practices in education. In this court decision, Chief Justice Earl Warren, speaking for a unanimous court said the following:

> We conclude that in the field of public education, the doctrine of separate but equal has no place. Separate educational facilities are inherently unequal (Hofstadter, R. et al., 1959).

It follows, then, that handicapped Black and other minority handicapped students who are illegally segregated or excluded for whatever reason do not have equality of educational opportunities. However, equality of educational opportunities is offered to Black and other minority handicapped under the provisions of P.L. 94-142 if teachers and other education personnel carry out the mandates of the law in earnest. The provisions of the law that offer equality of educational opportunity are embodied in the following components (Use TP-3 in Appendix):

- A Free Appropriate Public Education
- An Education in the Least Restrictive Environment (LRE)
- Nondiscriminatory Testing
- Due Process
- An Individualized Education Plan

The impetus for the enactment of P.L. 94-142 came from class action court cases and legislation which are collectively regarded as the right to education movement for the handicapped (Use TP-4 in Appendix). Specifically, Brown vs. Board of Education, Pennsylvania

Association for Retarded Children vs. Board of Education of the Commonwealth of Pennsylvania (1972), Wyatt vs. Stickney (1972); and Mills vs. Board of Education of the District of Columbia (1972) documented the existence of infringement and denial of equal educational opportunities for Blacks and the handicapped. These class actions suits and P.L. 93-112: Section 504, the major embodiment of the right to education movement for the handicapped, paved the way for the enactment of P.L. 94-142, the Education for All Handicapped Children Act of 1975.

CLASS ACTION COURT CASES

Brown vs. Board of Education: Topeka 1954

A significant forerunner of right to education court cases is Brown vs. Board of Education. This court case was a class action suit, that was taken to the Supreme Court by the NAACP on behalf of a young Black girl, Linda Brown, of Topeka, Kansas. She wanted to attend an all white school instead of the all Black school that she had to attend. Her attendance at the all Black school in accordance with the Plessy vs. Ferguson decision of 1896 in which the Court ruled that the provision of separate facilities for Blacks satisfied the Fourteenth Amendment. Linda Brown protested the declaration that separate could be equal and challenged the interpretation of the Fourteenth Amendment in the Plessy vs. Ferguson decision.

Brown won her case and the Supreme Court struck down the separate but equal doctrine. The Court stated the following:

> In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms. (Brown vs. Board of Education, 1954, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873)

The edict handed down by the Supreme Court in this class action court case clearly indicates the importance of an education and the right to an equal educational opportunity without constraints or impediments because of race.

For those who were Black and handicapped, additional court and legislative decisions still had to be issued to ensure access to and appropriateness of educational opportunities. Hence, to be Black and handicapped in the public education system proved to be double jeopardy.

Pennsylvania Association for Retarded Children vs. Board of Education of the Commonwealth of Pennsylvania (1972) (Weintraub, 1976)

The Pennsylvania Association for Retarded Children (PARC), on behalf of 13 mentally handicapped children, brought suit against the State of Pennsylvania to secure a free, appropriate education for handicapped children. Because of the severity of their handicaps, these children were labeled as uneducable and untrainable and were excluded from school. PARC argued that the denial of an equal educational opportunity to these retarded children was a violation of the equal protection clause of the Fourteenth Amendment to the United States Constitution. However, before deciding on each mentally retarded child's right to an education, the Court made a stipulation which provided that:

> No child who is mentally retarded or thought to be mentally retarded can be assigned initially or reassigned to either a regular or special educational status, or excluded from a public education without a hearing before a special hearing officer. (Weintraub, 1976, PARC Consent Agreement, 1972)

The PARC consent agreement was the beginning of a major thrust toward appropriate education for all handicapped children. Specifically, the consent agreement indicated the following:

1. Within 90 days the state was to locate and identify all retarded children of school age not in school and to begin teaching them no later than September 1972;

2. Medical and psychological evaluations were to be provided for all children previously excluded to determine the "most appropriate placement;"

3. Every child located and evaluated was to be placed in a free public program "appropriate to the child's capacity;"

4. All children in special classes for the mentally retarded were to be reevaluated to determine the proper placement;

5. The State Department of Education was required to submit a plan describing the range of programs available, what was needed to assure all retarded children the appropriate program, and arrangements for financing these programs and recruiting teachers (MacMillan, 1977).

The PARC court case exemplifies the free appropriate education and due process provisions which were to be incorporated in P.L. 94-142.

Wyatt vs. Stickney (1972)

The issues of deinstitutionalization and inappropriate treatment of handicapped individuals are addressed in the Wyatt vs. Stickney case of Alabama (MacMillan, 1977). The mental institutions of Alabama, like many other state institutions, were overcrowded, understaffed, and poorly run. The residents, most of whom were Black and poor, were not receiving appropriate treatment. Many received no treatment and could in fact go home. Wyatt, one of the residents, filed suit charging inappropriate and inhumane treatment. The decision in this case was to deinstitutionalize those who were capable of going home, hire three hundred (300) staff members, and improve the habilitation and rehabilitation program. The Wyatt decision indicated that the mentally ill and mentally retarded have a right to treatment in the least restrictive environment and to due process, two provisions which became part of P.L. 94-142.

Mills vs. Board of Education of the District of Columbia (1972)

In the District of Columbia, children who were labeled incorrigible, physically handicapped, emotionally disturbed and even some who were mentally retarded, were excluded from school (MacMillan, 1977). The reason cited for exclusion by the school system was that there were not enough funds for educating these children. The implication was that given the nature of the handicapping condition, the financial investment might not be cost effective. The majority of these children were Black.

In the case of Mills vs. Board of Education of the District of Columbia, the plaintiffs sought a right to education for these children who were excluded from school. This landmark decision, that was based on the due process and equal protection clauses of the U.S. Constitution, established the right to education for children possessing many different handicapping conditions. In addition, the lack of funds to offer appropriate education and educational services was determined to be an unacceptable reason for failing to provide education for handicapped children. U.S. District Judge Joseph Waddy addressed both issues - 1) The right to education and (2) the funding responsibility for educating the handicapped in the following:

> ...all children have a right to suitable publicly supported education regardless of the degree of the child's mental, physical, or emotional disability or impairment, and if sufficient funds are not available to finance all services and programs that are needed and desirable in the system, then the available funds must be expended equitably in such a manner that no child is entirely excluded from a publicly supported education. . .

The outcome of Mills vs. Board of Education of the District of Columbia foreshadows the free appropriate education provision of P.L. 94-142.

P.L. 93-112: Section 504: The Rehabilitation Act of 1973

Section 504 of The Rehabilitation Act of 1973 was the first Federal civil rights law which specifically protects the rights of the handicapped. This protection is most explicitly stated in Section 504, an excerpt of which follows:

> No otherwise qualified handicapped individual in the United States, as defined (by this Act) shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The regulations of Section 504 state that if an educational agency receives financial assistance from the Federal Government, it must comply with the mandates of Section 504. Therefore, Section 504 applies to all programs and activities receiving such assistance, including pre-school, elementary, secondary, and adult education programs, and post-secondary education programs and activities. (See 504 Fact Sheet)

In addition, Section 504 acknowledges the handicapped individual as a valued human being:

> The 504 Regulation attacks the discrimination, the demeaning practices and the injustices that have afflicted the nation's handicapped citizens. It reflects the recognition of the Congress that most handicapped persons can lead proud and productive lives, despite their disabilities. It will usher in a new era of equality for handicapped individuals in which unfair barriers to self-sufficiency and decent treatment will begin to fall before the force of law. (Statement by Joseph A. Califano, Jr., Secretary of Health, Education, and Welfare on April 28, 1977)

Summary

In November 1975, the momentum of the right to education movement for the handicapped climaxed with the enactment of Public Law 94-142, the Education for all Handicapped Children Act. It became the vehicle for

the education of all handicapped children. This Federal law guarantees free appropriate education to the eight million handicapped children of public school age. Prior to P.L. 94-142, the public school system had failed to provide appropriate education and related services that met the specific educational needs of many handicapped children, although the public school system is charged with educating all who come. In reality, however, it had ignored most of America's handicapped children for various reasons, such as lack of commitment of funds, a lack of appropriate educational programs, and negative attitudes toward Blacks and the handicapped. Now all handicapped children are entitled to receive special education and related services at public expense.

Public Law 94-142 is significant evidence of the Federal Government's leadership position in assuring the availability of free appropriate education for all handicapped children. Congress, in enacting the law, established the Federal Government as an advocate of handicapped children and their parents. It charges the states with the responsibility of implementing the mandates of the law.

In conclusion, Blacks and handicapped individuals have both suffered from discriminatory practices in public education. To combat this discrimination and to gain equal educational opportunities, both Blacks and the handicapped achieved success by using the judicial and legislative branches of the Government. In addition, it is well to remember that because of the pioneering efforts of Blacks, notably the Brown vs. Topeka case, today children of ALL races reap the benefits.

Give students the following handouts for out-of-class reading:

II-1 Parent and Child Rights in P.L. 94-142

II-2 A Continuum of Services

II-3 Checklist for Identification of Potential Bias During Administration

II-4 Checklist for Minimizing Bias During Interpretation of Results

II-5 Diana vs. California State Board of Education

II-6 Larry P. vs. Riles

II-7 Sample Total Service Plan

II-8 Individual Implementation Plan

REFERENCES - Lecture I

Abeson, A. Movement and momentum: government and the education of handicapped children. Exceptional Children, September 1972, 62-66.

Brown vs. Board of Education of Topeka, 347, U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873 (1954)

Federal register, Vol. 43, No. 163 - Tuesday, August 23, 1977 Part II.

504 fact sheet: handicapped persons' rights under federal law. Department of Health, Education and Welfare. Office for Civil Rights.

Fourteenth Amendment, 51-57, 65: provisions, 56, 57.

Hofstadter, R. et al. The american republic 1965 (Vol. 2). Englewood Cliffs: Prentice Hall, Inc, 1965.

Konvitz, M. Leskes, T. A century of civil rights with a study of states law against discrimination. New York: Columbia University Press, 1961.

MacMillan, D. Mental retardation in school and society. Boston: Little, Brown and Company, 1977.

Meyen, E. L. Exceptional children and youth: an introduction. Denver: Love Publishing Company, 1978.

Weintraub, F. J., Abeson, A., Ballard, J., Lavor, M. (EDs). Public policy and the education of exceptional children. Reston, VA: The Council for Exceptional Children, 1977.

RESOURCES - CLASS I

Teacher

McCarthy, M. M., Thomas, S.B. The right to an education: new trends emerging from special education litigation. NOLPE School Law Journal, 1977, 7, 76-87.

Sierra, V. Recent litigation in the placement of minority groups children in the Southwest. Paper presented at the Council for Exceptional Children Convention, April 4-9, 1976.

Zettel, J., Weintraub, F. P.L. 94-142: its origins and implications. National Elementary School Principal, 1978, 58, 10-13.

Student

Tolliver, B. Discrimination against minority groups in special education. Education and Training of the Minority Retarded, 1975, 10, 188-192

Turnbull, A., Turnbull, R. Free appropriate public education: law and implementation. Denver: Love Publishing Company, 1978.

Media

Nazzaro, Jean, No. 157A Exceptional times: an historical perspective of special education, [16 mm sound/film, color, 20 min.] Reston, VA: The Council for Exceptional Children, 1977.

P.L. 94-142: how it affects teachers. Filmstrip and cassettes by the National Education Association, 1978.

Those other kids: right to an education. Minneapolis: University of Minnesota, Nd.

CLASS II

PUBLIC LAW 94-142

Instructional Plan - Class II

Behavioral Objective	Enabling Activity		Materials
	Teacher Educator	Student	
1. The student will be able to identify the major provisions of P.L. 94-142 and state their implications for Blacks and the handicapped.	Lecture II	• Filmstrip • Lecture • Out-of-class reading of handouts	1a) Filmstrip • Introducing P.L. 94-142 b) Lecture II - The Major Components of P.L. 94-142: Implications for Black and Other Minority Students c) Handouts • Parent and Child Rights in P.L. 94-142 (II-1) • A Continuum of Services (II-2) • Checklist for Identification of Potential Bias During Administration (II-3) • Checklist for Minimizing Bias during Interpretation of Results (II-4)
2. The student will be able to identify the principle issue in the Diana vs. California Board of Education and Larry P. vs. Riles cases.	Lecture II	• Lecture II • Out-of-class reading of handouts	2a) Lecture II - The Major Components of P.L. 94-142: Implications for Black and Other Minority Students b) Handouts • Diana vs. California State Board of Education (II-5) • Larry P. vs. Riles (II-6)

Lecture II

The Major Components of P.L. 94-142:

Implications for Black and Other

Minority Students

Instructional Plan - Class II

Behavioral Objective	Enabling Activity		Materials
	Teacher Educator	Student	
3. The student will be able to state six (6) guidelines that teachers should observe to facilitate the involvement of minority parents in the IEP Conference.	Lecture II	Lecture II	3 Lecture II: The Major Components of P.L. 94-142: Implications for Black and Other Minority Students
4. The student will be able to discuss the IEP process.	Lecture II	Lecture II	4a) Lecture II: The Major Components of P.L. 94-142: Implications for Black and Other Minority Students b) Handouts • Sample Total Service Plan (II-7) • IEP: Individual Implementation Plan (II-8)

46

47

Optional Instructional Plan - Class II

Behavioral Objective	Enabling Activity		Materials
	Teacher Educator	Student	
	1. Assign students to research specific provisions of P.L. 94-142 and to give oral reports to the class on its major provisions as they relate to Black handicapped students. 2. Have students read the Diana vs. California State Board of Education and Larry P. vs. Riles cases and report to the class the issues and their relation to P.L. 94-142. 3.		

CLASS II

Handouts

HO II-1 Parent and Child Rights in P.L. 94-142

HO II-2 A Continuum of Services

HO II-3 A Checklist for Identification of Potential Bias during Test Administration

HO II-4 A Checklist for Minimizing Bias during Test Interpretation

HO II-5 Diana vs. California State Board of Education

HO II-6 Larry P. vs. Riles

HO II-7 Sample Total Service Plan

HO II-8 Individual Implementation Plan

Outlined in P.L. 94-142 are procedures and provisions to which educators are to comply in order to ensure the equal education of all handicapped children at public expense. Given the history of the segregation and inappropriate education of Black and other minority students, adherence by teachers to the five major components of P.L. 94-142 holds the promise of providing equal educational opportunities to minority handicapped students. The five major components are as follows:

- Free Appropriate Education
- Least Restrictive Environment
- Nondiscriminatory Testing
- Due Process
- Individualized Education Plan (IEP)

Free Appropriate Education

The law requires that each child receive a free appropriate education. An appropriate education program is one that meets the specific needs of each handicapped child regardless of program cost and/or the child's handicapping condition. Thus, this law charges educators to provide special education and related services to all handicapped children. Moreover, the teacher of these students is to implement an individualized education program (IEP) that takes into account each student's weaknesses, strengths, and cultural diversity.

The free appropriate education mandate has significant ramifications and implications for Black and other minority handicapped students and their parents. If properly implemented, this mandate should provide some relief from such past dehabilitating practices as biased assessment, segregation in special education classes, inappropriate labeling, exclusion from public education, and educators' ignorance of the impact of cultural

diversity on cognitive and affective development. In addition, before P.L. 94-142, many Black handicapped children were kept at home without the benefit of an education or were put in state institutions because their parents could not pay for the special services they needed. P.L. 94-142 removes from many minority parents the possibility of a psychological burden because of their inability to pay for the services needed by their handicapped children.

Least Restrictive Environment

The least restrictive environment is defined as follows:

> When applied to the education of exceptional children, the term, least restrictive environment, refers to the principle that handicapped children should be educated with nonhandicapped peers in regular educational settings wherever possible. (Meyen, 1978, p. 509)

To ensure that handicapped students are educated with nonhandicapped students to the extent possible, each public school is to provide a continuum of alternative placements designed to meet the needs of handicapped children. The handicapped child is then to be placed in one of the educational settings in the continuum of instructional settings from least restrictive to most restrictive including the following:

- regular classes
- special classes
- special schools
- home instruction
- instruction in hospitals and institutions

Also included are supplementary services such as itinerant instruction or resource rooms that are provided in conjunction with regular class placement.

Black and other minority handicapped students benefit from the least restrictive environment concept because special classes are no longer automatically viewed as the placement for students with handicapping conditions/learning problems. Moreover, the bias-free educator's position is that, even if students are in need of educational support in addition to

that available in the classroom, practices that promote and maintain the segregation and/exclusion of Black and other minority students from the mainstream are objectionable and smack of racism. Mercer (1973) reached this conclusion:

> Parents and educators alike have suspected that special education programs have been a kind of "educational exclusion" masquerading as remediation.

This "educational exclusion" effected the placement of a disproportionate number of Black and other minority students in classes for the educable mentally retarded.

The least restrictive environment would be a learning climate in which a myriad of diverse students learn and interact with each other. In this environment, the teacher provides opportunities for peer and cross-age tutoring, both of which are successful learning modes for Blacks.

Nondiscriminatory Testing

According to P.L. 94-142, nondiscriminatory evaluation involves reducing those factors in the assessment of a child's handicap and educational abilities that may lead to the misdiagnosis or inappropriate placement of the child. In addition, the materials and procedures used in the evaluation process must not be racially or culturally discriminatory.

Prior to P.L. 94-142, the use of discriminatory tests and procedures was often the rule, rather than the exception, in the evaluation of children from ethnic and racial minority groups. Biases were prevalent throughout the evaluation process from biases in the content of the tests and the environment in which the tests were given to biases in the interpretation of the results. In addition, value judgments also influenced the evaluation and placement of minority students. Silberberg and Silberberg (1954) note the impact of value judgments on the placement of Black and white children possessing similar learning problems:

> If a black and white child are not learning well, chances are that the black will be called mentally retarded and the white will be called learning disabled. The latter term has a much more positive image, suggesting that the learning disabled white child is average but needs extra remedial help to fulfill his potential. The black child is seen as inferior and needing much less of a challenge, including much less of the monies set aside for special programs. (Meyen, 1978)

The practice of biased evaluations that produced inappropriate placements and that was sustained by teachers and ancillary personnel precipitated a surge of litigation. Two court cases in which biased test practices were central issues are Diana vs. California State Board of Education, 1970, 1973, and Larry P. vs. Riles, 1972.

The Larry P. vs. Riles case, currently on appeal, was filed on behalf of six Black children. The suit charged that Black children had been inappropriately placed in classes for the mentally retarded, based on biased testing procedures. The Court responded by enjoining the San Francisco School District from using intelligence tests to place Black students in Educable Mentally Retarded (EMR) classes, if such placements resulted in racial imbalance in the composition of the classes.

The Diana case, considered to be one of the most significant and widely known cases, was the first of its kind to be filed in a Federal court. The case was filed on behalf of nine Mexican-American children from Spanish speaking homes, who had been placed in EMR classes on the basis of intelligence tests. The plaintiffs charged that the testing procedures and content of the tests were culturally biased in favor of English speaking, white, native Americans. In addition to the charge of discrimination in content and procedures, this case highlighted the overrepresentation of Spanish surnamed students in EMR classes.

The results of these and other cases provided the groundwork for changing educational policy regarding the use of standardized tests, particularly IQ tests, with children from racial/ethnic minority groups.

In P.L. 94-142, the protection now required in evaluation procedures provides a means of decreasing or eliminating the biases previously inherent in the evaluation process. Specifically, the law mandates the following:

1) Tests are to be provided and administered in the native language or other communication mode of the child;

2) Trained personnel in multidisciplinary teams are to be used for evaluations and in making placement decisions;

3) The tests selected are to be valid indications of what they purport to measure;

4) Evaluations must utilize more than one test instrument for placement purposes;

5) Comprehensive evaluations must be administered in all areas related to the suspected disability;

6) Tests are to be selected and administered to ensure that they are not biased against individuals with impaired sensory, manual, or speaking skills;

7) Information from sources other than tests (adaptive behavior, social/cultural background) is to be included in the interpretation of the evaluation results.

Undoubtly, implementing the nondiscriminatory testing mandate of the law requires considerable alteration of past assessment procedures. To alter past assessment procedures, these issues must be considered when attempting to determine the educational strengths and weaknesses of minority group children:

- linguistic differences
- whether standard English is to be used in evaluations
- the distinctive cognitive learning styles reflected in different minority groups
- the cultural and attitudinal values taught and expected at home

Since the enactment of P.L 94-142, closer scrutiny of assessment practices has been made. Several new and alternative procedures have been

proposed in order to make evaluations of Black and minority children fairer and more accurate. Some procedures advocated include those that follow:

1) Translating traditional tests from the majority language directly to the minority language;

2) Norming traditional tests on specific groups of minorities;

3) Using minority examiners to test minority children;

4) Identifying majority group competencies required for minority group children to survive in that culture, evaluating the minority child's achievement of those competencies, and teaching the unattained competencies;

5) Developing new tests that contain items and norms for a specific ethnic- racial group;

6) Using tests and norms that exist presently with a modification of test items or required responses according to a particular ethnic--racial group;

7) Using multicultural pluralistic assessments;

8) Using alternatives to traditional tests; (Alley and Foster, 1978; Evard and Saber, 1979; Aliotti, 1977; Oakland, 1977).

In addition to tangible assessment measures, educators and parents must always be cognizant of the impact of the biases that examiners and teachers bring to the evaluation process. Moreover, it is their perceptions and judgments that can be the determinants of negative classifications and lowered expectations for Black and other minority students. Thus, their biases must be mitigated if minority students are to receive fair and unbiased evaluations.

DUE PROCESS

Due Process is the course of legal proceedings established by the judicial system of a nation or state to protect the individual rights and freedoms of its citizens. The due process provision of P.L. 94-142, if adhered to, offers Black and minority parents a legal means to minimize the inappropriate placement of their children. Parents have the right to request an objective hearing at any time to question/challenge the evaluation and placement of their child. The law requires that the parents be notified of the date and the time of the hearing well in advance of the fact. In addition, parents may be accompanied and advised by counsel. They can cross-examine, compel the attendance of witnesses, and present evidence. Parents also have the right to appeal the findings and decisions of the hearing. In addition, to minimize inappropriate placement, advocates and educators need to develop a means of educating and encouraging Black and other minority parents to exercise their due process rights. One means of doing so, would be for information to be made available to parents through community outreach programs and in houses of worship.

Individualized Education Plan

The Individualized Education Plan (IEP), the fifth and final component of P.L. 94-142, is the device which provides specially designed instruction for each handicapped child. It is a written plan replete with instructional and evaluation methods. Moreover, it is a process that seeks to individualize each handicapped child's education through the collaborative efforts of the school and the parents. The IEP embodies the spirit of the law. Like the Brown decision, the IEP holds the promise for improving the education of Black and minority handicapped students.

[Write 1-5 on the chalkboard]

FOR EACH HANDICAPPED CHILD, THE IEP INCLUDES AT A MINIMUM:

1) A statement of the child's present level of educational performance;

2) A statement of annual goals, including short term instructional objectives;

3) A statement of specific special education and related services to be provided to the child and the extent to which the child will be able to participate in the regular education program.

   Each child's IEP must indicate the type of special education service that is provided. It must also detail the related services that will be provided if a determination has been made that a child requires such service. "Related Services" defined by the law means transportation and such developmental, corrective, and other supportive services as physical therapy, speech therapy and other measures that are required to assist a handicapped child to benefit from special education.

   In addition to specifying the special education and related services required for the child, the IEP must indicate the amount of time, if appropriate, the child spends in the regular education program.

4) Projected dates for initiation of services and the anticipated duration of the services.

   This provision is a safeguard measure to ensure that services are actually initiated (as quickly as possible) and that children are not placed in programs without any consideration for the length of time they may require special services.

5) Appropriate objective criteria, appropriate evaluation procedures, and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved.

   This provision provides a format for monitoring and evaluating IEPs to determine if a child is making progress or if revisions are necessary.

[Write 6a-f on the chalkboard]

6) Members of the IEP development team would include the following:

   a) Representative of the public agency (other than the child's teacher) who is qualified to provide or supervise the child's special education. This individual may be anyone licensed, certified, or approved by the State Educational Agency in special education.

b) The Child's Teacher:

The term "teacher" can and does include a number of individuals who are involved in the instructional programming of the child. It includes special educators, regular educators, and/or professionals providing related services to the child.

c) Evaluation Personnel:

A member of the evaluation team or a representative familiar with the test procedures used must attend if the IEP is being written for a child who has been evaluated for the first time.

d) The Child when appropriate:

Determining the suitability of a child's presence at the IEP conference is left to the discretion of the local education agency.

e) Other individuals (at the discretion of the child's parents or the education agency).

Additional professionals with expertise relative to the suspected disability of the child can be requested to participate in the conference. In addition, parents have the right to include friends or other family members.

f) One or both of the child's parents.

Collaborating to develop an IEP may be a new experience for teachers, support personnel, and parents. Thus, to facilitate the collaborative process, it is necessary for each person to come to the IEP development conference as prepared as possible. Therefore, background information, assessment results, and parental input should be available to participants prior to the IEP conference. The chairperson/administrator may communicate to participants where information on the student may be obtained.

Traditionally, educators have planned educational experiences and programs for students, but parents of public school children have not. The IEP development guidelines, however, require parental participation (if possible), but getting parents, especially Black and other minority

parents, to participate can be a problem. The schools are required by the law, however, to make an effort to get parents to participate. Letters must be sent and phone calls must be made before an IEP conference can be held without the parents. These efforts must be documented.

Although an IEP conference can be held without parental participation, sincere efforts must be made to ensure parental participation. In reference to Black parents, the situation is that many view the schools with feelings of suspicion and alienation because of the years of inequities, abuse, and mistreatment that have been perpetrated on their children (Marion, 1977, p. 1-14). Black parents themselves, have identified barriers to their participation in school activities (Gitterman, 1977, p. 111-118). Some of the barriers that they identify are as follows:

- little energy or time
- the sense of inadequacy and inability to handle verbal communications with the teacher
- a feeling of being judged
- the irrelevance, from their perspective, of school activities to their way of life
- overall, their perception of being made to feel ashamed of themselves, their positions, their conversations

The feelings voiced by Black parents make evident the need for strategies to increase their participation. One strategy is to offer outreach programs. Teachers and other school personnel could go into the community and conduct workshops on the IEP process and on the value of parental participation in the IEP conference and school activities. At these meetings, teachers should encourage and invite parents to come to school to examine their children's records (Marion 1977). At these workshops, parents should be made aware of:

- the need for the meeting
- the need for their participation in the student's total instructional program

- the other participants who will attend the IEP meeting
- how they should prepare for the meeting

In addition, Black and other minority parents should be encouraged to bring a friend or advocate if they feel they might be uneasy about attending the IEP conference alone.

At the IEP conference, the teacher's observance of specific guidelines will facilitate the involvement of Black or other minority parents. Marion (1977) suggests these guidelines: [Write 1-6 on the chalkboard.]

1) Take time to put the parents at ease at the beginning of the meeting. The initial contact person is the most appropriate person to do this.

2) Limit the number of professionals present to those who are most familiar with the problem. Other professionals could be "on call" and can join the meeting on request. Often large numbers of professionals at a meeting may overwhelm the parents.

3) Keep the discussion in layman's language but do not try to use idioms and phraseology unique to a minority group.

4) Treat minority parents as co-equals and solicit input from them.

5) Verbally summarize with the parent what was agreed upon in the meeting. It is important to provide an opportunity for parents to play back or repeat the agreement. This allows minority parents to participate in the decision making process and gives all participants an opportunity to validate their views.

6) Obtain the signature of the parents on the IEP and give them a written copy of the summary. Retain a copy for school records.

Filmstrip

[Show the filmstrip, Introducing Public Law 94-142.]

The filmstrip, Introducing P.L. 94-142, highlights the major provisions of the law that have been discussed and introduces its other important aspects. [You can generate your own filmstrip follow-up questions.]

P.L. 94-142 is subject to reauthorization in 1982; that process could strengthen, weaken, or maintain the law in its present form. Educators have voiced concern about the implications of reauthorization on the education of handicapped students. Although most states have statutes which mandate education services for the handicapped, most provisions were modeled after P.L. 94-142. Some educators feel that if the law is weakened or repealed states may modify their own legislation accordingly. Developments of that nature may have profound and adverse implications for the education of handicapped students. Taken further, it is questionable, given the past history of the states' monetary commitment to the education of handicapped students, whether state and local educators will remain committed to the intent of P.L. 94-142 without the monetary incentives provided by the law.

Role-Play

After viewing the filmstrips, tell students that they will be role-playing an IEP conference at the next session. The objectives of the role-playing are to demonstrate a collaborative effort among the IEP development team members and a supportive manner in working with Black and other minority parents.

To facilitate the role-playing, give students the following handouts for out-of-class reading:

III-1 Individual Competencies Needed to Implement P.L. 94-142

III-2 Case Studies (III-2a, III-2b, III-2c)

III-3 Responsibilities of IEP Committee Members (III-3)

III-4 Discussion of Committee Members Input
(III-4)

Before handing out the case studies, indicate on the case studies themselves the role that the student is to portray in the IEP conference role-playing. The roles are identified on Handout III-3.

REFERENCES - CLASS II

Aliotti, N. Alternative assessment strategies in a pluralistic society. School Psychology Digest, 1977, 6, 6-12.

Alley, G., Foster, C. Nondiscriminatory testing of minority and exceptional children. Focus on Exceptional Children, 1978, 9, 1-14.

Dent, H. Assessing black children for mainstream placement in Jones, R. (Ed.). Mainstreaming and the minority child. Minneapolis: Leadership Training Institute for Special Education, 1976.

Diana vs. State Board of Education, Civil No. C-70, 37 RFP N.D. Cal., January 7, 1970, & June 18, 1973.

Evard, B., Sabers, D. Speech and language testing with distinct ethnic--racial groups: a survey of procedures for improving validity. Journal of Speech and Hearing Disorders, 1979, 44, 271-81.

Federal Register, Vol. 43, No. 163 - Tuesday, August 23, 1977, part II.

Gitterman, A. Social work in the public school system. Social Case Work, 1977, 58, 111-118.

Larry P. vs. Riles, Civil No. C-71-2270, 343 F. Supp. 1306 (N.D. Cal., 1972).

Marion, R. Minority parent involvement in the IEP process: a systematic model approach. Focus on Exceptional Children, 1979, 9, 1-14.

Mercer, J.R. Labeling the mentally retarded. Berkeley: University of California Press, 1973.

Meyen, E.L. Exceptional children and youth: an introduction. Denver: Love Publishing Company, 1978.

Oakland, T. Psychological and educational assessment of minority children. New York: Brunner/Mazel Inc., 1977.

Silberberg, N.E., Silberberg, M.C. Who speaks for the child. Springfield: Charles C. Thomas, 1974.

Weintraub, F.J., Abeson, A., Ballard, E.T., Labor, M. (Eds.), Public Policy and the education of exceptional children. Reston: The Council for Exceptional Children, 1977.

RESOURCES - CLASS II

Teacher

Ballard, J. Public law 94-142 and section 504-understanding what they are and are not. Reston VA: The Council for Exceptional Children, 1980.

Bates, P., West, T., Schmeri, R. Mainstreaming: problems and potentials, and perspectives. Minneapolis: National Support Systems Project, 1978.

Clarizo, H. In defense of the IQ Test School Psychology Digest, 1979, 8, 79-88.

Mercer, J. In defense of racially and culturally nondiscriminatory assessment. School Psychology Digest, 1979, 8, 89-99.

Miller, L. Testing black students: implications for assessing inner city schools. Journal of Negro Education, 1975, 44, 406-420.

Turnbull, A., Turnbull, R. Free appropriate public education: law and implementation. Denver: Love Publishing Company, 1978.

Wright, B., Isenstein, V. Psychological tests and minorities; Rockville, MD: National Institute of Mental Health, Division of Scientific and Public Information, 1977.

Students

Kendall, W.S. Public Law 94-142 and the minority retarded child: an overview of issues and practices. Paper presented at the annual meeting of the South Central Region of the American Association of Mental Deficiency, Hot Springs, AR, April, 1978.

Sapon-Shevin, M. Mainstreaming: implementing the spirit of the law. Journal of Negro Education, 1979, 48, 364-381.

Media

Session II

P.L. 94-142: implementing procedural safeguards-a guide for schools and and parents, No. 167. Reston VA: The Council for Exceptional Children, 1978.

Those other kids: right to an education. Minneapolis: University of Minnesota, Nd.

CLASS III

IEP ROLEPLAYING

Lecture III

THE IEP CONFERENCE

INSTRUCTIONAL PLAN - CLASS III

Behavioral Objective	Enabling Activity		Materials
	Teacher Educator	Student	
The student will be able to demonstrate the roles and responsibilities of the IEP conference members with attention to the Black parents' participation.		• Lecture III • Out of class reading of handouts • Role-playing of IEP conference with minority parents	1a.) Lecture III, The IEP Conference b.) Handouts • Individual Competencies needed to Implement P.L. 94-142 (III-1) • Case studies (III-2a, III-2b, III-2c) • Responsibilities of IEP Committee Members (III-3) • Discussion of Committee Members Input (III-4)

OPTIONAL INSTUCTIONAL PLAN - CLASS III

Behavioral Objective	Enabling Activity		Materials
	Teacher Educator	Student	
	1. Have students interview three (3) persons who have served on an IEP development committee to ascertain the following: • the preparation required • parental interaction and participation • specific input • problems encountered 2. Show the film: "From Conference to Classroom." Available from: Foundation for Exceptional Children, 1979. --Explains the process of monitoring pupil progress, administrative procedures, personnel issues, and organization patterns. 3. Invite several Black parents who have participated in IEP conferences to share their experiences with the class.		

CLASS III

Handouts

HO III-1	Individual Competencies Needed to Implement P.L. 94-142
HO III-2	Case Studies: a, b and c.
HO III-3	Responsibilities of IEP Committee Members
HO III-4	Discussion of Committee Members Input

The Individualized Education Plan (IEP) plays a most significant role in delivering to handicapped children an appropriate education. It is developed in response to nondiscriminatory evaluation and input from teachers, psychologists, parents, and significant others as indicated in the last session.

What has been learned about the IEP conference from the last lecture and from out-of-class readings will be demonstrated by your role-playing. Remember, the objectives of the role-playing are to demonstrate:

- a collaborative effort among teachers, psychologists, support personnel, and parents.
- a supportive manner toward Black and other minority parents.

[Direct the Role-Play Activity]

Have students role-play two of the three case studies. Allow twelve (12) minutes for each role-play. Ask follow-up questions that address the objectives. (You will generate your own questions.)

CONCLUSION

Public Law 94-142 stands out as the inimitable champion of the handicapped child and impacts most significantly on public education because it was enacted as a permanent law, one from which funds will continue to flow to the states-barring repeal-so that the mandate of an equal educational opportunity for all handicapped children can be realized. P.L. 94-142, the "Bill of Rights for the Handicapped" seeks to correct

inequities by providing appropriate education and related services for all handicapped children. To effect this, policies and procedures have been developed and responsibilities have been delegated to state education agencies.

In the final analysis, however, it is the classroom teacher who has the tremendous responsibility of knowing and responding to the mandates of P.L. 94-142 in such a manner as to ensure that the spirit of this law, as well as the letter of this law, is carried out for the benefit of Black and other minority handicapped children.

[Give the Post-assessment Test]

NAME _____ DATE: _____

PROFESSOR _____

P.L. 94-142 AND THE MINORITY CHILD

POST-ASSESSMENT

DIRECTIONS: For each numbered item there is a lettered set of alternative answers or completions. Select the BEST ONE for each item. Circle your choice.

1. Which ONE of the following was the principle issue in the Brown vs. Board of Education court case:

   a) Standards used to assign children to special education
   b) Provision of multi-cultural education
   c) Separate but equal doctrine
   d) Individualized education programming

2. In which ONE of the following court cases was the lack of funds an unacceptable reason for failing to provide education for the handicapped?

   a) Brown vs Board of Education
   b) Mills vs. Board of Education
   c) Wyatt vs. Stickney
   d) PARC vs. Commonwealth of Pennsylvania

3. With which ONE of the following is the Diana vs. California State Board of Education and Larry P. vs. Riles court cases most closely aligned?

   a) Free Appropriate Education
   b) Least Restrictive Environment
   c) Due Process
   d) Nondiscriminatory Testing
   e) Teacher Certification

DIRECTIONS: Each numbered item is preceded by T (true) and F (false). Circle T or F to indicate whether the statement is true (T) or false (F).

T F 4. At the IEP conference, the consulting specialist provides specific input for describing the child's performance.

T F 5. At the IEP conference, the referring teacher defines the capabilities and constraints of the present special education program.

T F 6. The parents/child provide the information concerning the home situation at the IEP conference.

T F 7. At the IEP conference, the teacher of exceptional children facilitates group decision making and provides support for implementation.

T F 8. The chairperson at the IEP conference facilitates group decision making and provides support implementation.

T F 9. The IEP is a specially designed educational program that is tailored to the needs of each child receiving special education and related services.

T F 10. P.L. 94-142, if properly implemented, offers Black and other minority group handicapped students the opportunity to receive a free appropriate education in unsegregated education settings.

DIRECTIONS: Answer briefly, questions 12, 13, 14, and 15.

11. The major components of Public Law 94-142 are: _____,

_____, _____,

_____, and _____.

12. Identify the strategies/tactics that both the right to education movement for the handicapped and the Black civil rights movement used to combat discrimination and gain access to equal opportunities.

13. What was/were the principle issue(s) in PARC?

14. What was/were the principle issue(s) in Wyatt vs. Stickney?

15. Identify six guidelines that teachers should observe to facilitate the involvement of minority parents in the IEP conference.

Teacher

Kroth, R., Simpson, R. Parent conferences as a teaching strategy. Denver: Love Publishing Company, 1977.

Mori, A.A. The handicapped child in the mainstream--new roles for for regular educator. Education, 1979, 99, 243-249.

Turnbull, A.P., et al. Developing and implementing individualized education programs. Columbus: Charles Merrill Publishing Company, 1978.

Student

Chiba, C., Semmel, M. Due process and least restrictive alternative: new emphasis on parental participation. View Points, 1977, 56, 17-29.

Fairchild, T., (Ed.) Keeping in touch with parents: the teachers best friend. Boston: Teaching Resources Corporation, 1978.

Safer, N.D. Implementation of IEPs: new teacher roles and requisite support systems. Focus on Exceptional Children, 1978, 10, 1-20.

Schmmel, D., Fisher, L. The rights of parents. Columbia, MD: National Committee for Citizens in Education, 1977.

Media

Session III

P.L. 94-142: how is affects teachers. Filmstrip and cassettes by the National Education Association, 1978.

IEP filmstrips and cassettes. Foundation for Exceptional Children, 1979.

APPENDIX

GLOSSARY

ADAPTIVE BEHAVIOR	an individual's ability to meet standards set by society for his/her cultural group.
ANNUAL GOALS	objectives, activities, or achievements that are to be attained within a year.
CONSENT	the permission obtained from parents to evaluate or place a child.
DEBILITATE	to make weak or feeble.
DUE PROCESS	those policies and procedures set forth in P.L. 94-142 to ensure equal educational opportunities for all children.
FREE APPROPRIATE PUBLIC EDUCATION IN P.L. 94-142	the provision of special education and related services furnished at public expense.
HANDICAPPED	the condition of being physically disabled or mentally retarded.
INDIVIDUALIZED EDUCATION PLAN	a written education plan replete with goals, objectives, services to be provided, evaluation criteria, and other pertinent information required by P.L. 94-142.
LEAST RESTRICTIVE ENVIRONMENT (LRE)	in P.L. 94-142, the principle that handicapped children should be educated to the extent possible with non-handicapped children in regular classroom settings.
LINGUISTICS	study of the structure, development, etc., of a particular language and of its relationship to other languages.
MANDATE	a requirement that specific tasks or steps are to be carried out, i.e., federal and state laws exist which mandate that educational services be provided to all handicapped children and youth.
NONDISCRIMINATORY TESTING	refers to the use of instruments for assessing performance of individuals which allow for the individual being tested to perform maximally on those skills or behaviors being assessed without regard to race or ethnicity.

RESOURCE ROOM/ TEACHER	an educational program option which involves placing a child in a regular class with assignment to a special teacher for supplemental instruction. The special teacher is usually referred to as the resource teacher and the room where the instruction takes place is referred to as the resource room.
SPECIAL EDUCATION	according to P.L. 94-142, special education is specially designed instruction, at no cost to the parent, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.
SUPPORT SERVICES	special services provided to exceptional children beyond their basic educational program. Such services may include, physical therapy, occupational therapy, psychological services and speech therapy.

Excerpts from Selected Right to Education Court Orders

□ The following are excerpted from the final orders in four key right to education cases: *Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania*, 1971; *Mills v. the Board of Education of the District of Columbia*, 1972; *Maryland Association for Retarded Children v. the State of Maryland*, 1974; and *In the Interest of G. H., A Child*, 1974.

PENNSYLVANIA ASSOCIATION FOR RETARDED CHILDREN, NANCY BETH BOWMAN, et al.

v.

COMMONWEALTH OF PENNSYLVANIA, DAVID H. KURTZMAN, et al.

Civil Action No.
71-42

ORDER, INJUNCTION AND CONSENT AGREEMENT

From Public Policy and the Education of Exceptional Children by F. Weintraub, et al., 1976, 62-73. Copyright 1976 by Council For Exceptional Children.

Excerpts from Selected Right to Education Court Orders

MILLS

v.

BOARD OF EDUCATION
OF THE DISTRICT OF COLUMBIA

348 F. Supp. 866
(D.D.C. 1972)

PLAINTIFFS ARE ENTITLED TO RELIEF

Plaintiffs' entitlement to relief in this case is clear. The applicable statutes and regulations and the Constitution of the United States require it.

From Public Policy and the Education of Exceptional Children by F. Weintraub, et al., 1976, 62-73. Copyright 1976 by Council For Exceptional Children.

P.L. 94-142: ITS ORIGINS AND IMPLICATIONS

JEFFREY J. ZETTEL FREDERICK J. WEINTRAUB

Jeffrey J. Zettel is specialist for policy implementation in the governmental relations unit of the Council for Exceptional Children, Reston, Virginia.

Frederick J. Weintraub is assistant executive director of the governmental relations unit of the Council for Exceptional Children.

from National Elementary School Principal,

FIGURE 5–1 Parent and Child Rights in P L. 94–142

As a parent of a child who has been identified as having special needs, the following rights are provided through federal legislation (P L. 94–142).

1. A free appropriate public education with necessary related services to meet your child's needs (i.e., speech therapy, physical therapy, counseling, and transportation) must be provided by your local school system.
2. Your child should be educated in classes with children who do not have special needs if such classes are appropriate to the needs of your child. This means, for example, that your child may not be removed from regular class placement to be put in a special class attended only by children with special needs unless you and the school personnel believe that the special class would be the best placement.
3. Your child may not receive an initial evaluation in order to be placed in a special education program unless you are previously informed and voluntarily give your consent. If you make the decision to give your consent, you may withdraw it at any time.
4. You are entitled to receive an explanation of all evaluation results and an explanation of any action proposed or rejected in regard to evaluation results.
5. You have the right to request an independent evaluation (conducted by someone outside of the school) and have the results considered in discussions regarding the school placement of your child.
6. You may inspect all educational records and request explanations of information contained in the records. You may also request the information be amended if you do not agree with it.
7. The privacy of all school records must be maintained. You may request copies of your child's school records. Furthermore, you may obtain information from the chairperson of the special services committee concerning the particular individuals who are allowed to see your child's records.
8. You have the right to request an objective hearing (due process hearing) at any time when you disagree with the proposed procedures for evaluation and/or placement of your child. At the hearing you may have counsel, present evidence, cross-examine witnesses, and obtain written findings of the proceedings. If you are deaf or normally communicate in a language other than English, the hearing must be conducted so that all communication is completely understandable to you.

© 1979 Bell & Howell Co. Permission granted for noncommercial reproduction.

A Continuum of Services

From: Exceptional Children and Youth: An Introduction by Edward L. Meyen

FIGURE 6–6 Checklist for Identification of Potential Bias during Administration

Name _____ School _____

Examiner _____ Date _____

Potential Examiner Bias *A check (√) indicates potential bias.*

_____ Training (Lack of skills and/or handicapping conditions)
_____ Language/Mode (Lack of language and/or mode of communication needed by the examiner with this child.)
_____ Lack of experiences testing similar types of children: age, cultural group, handicapping condition.
_____ Biased attitude toward particular cultural groups
_____ Knowledge of alternative measures

Situational Interference

_____ Time of day
_____ Distractions
_____ Testing Materials (color, size, etc.)
_____ Inadvertent use of cues such as position cues, position of materials
_____ Length of session
_____ Comfort and accessibility of materials
_____ Order of assessment activities

Interaction between Examiner and Child/Respondent

_____ Lack of rapport
_____ Failure to obtain and maintain attending behavior
_____ Failure to maintain child's optimum effort
_____ Inadequate communication (mode, manner, language)
_____ Dress and/or mannerisms of examiner (distracting, unique)
_____ Questionable knowledge and candor of interviewee

Checklist for Identification of
Potential Bias during Scoring

_____ Ambiguous answers
_____ Unique, creative, unusual answers
_____ Other (describe) _____

Procedural Reminders to Avoid Errors

_____ Check ceiling and basal limits
_____ Check item credits
_____ Check addition
_____ Check interpolation
_____ Check age

Developed in conjunction with Cloria Harbin, University of North Carolina at Chapel Hill © 1978 Bell & Howell Co. Permission granted for noncommercial reproduction.

FIGURE 6–7 Checklist for Minimizing Bias during Interpretation of Results

Name _____ School _____
Examiner _____ Date _____

Examine Child's Score *A check (√) indicates potential bias*

_____ Compare them to the adaptive behavior information
_____ Look for characteristics of the child which might bias or influence the results such as:
- _____ native, language
- _____ age, health, nutrition
- _____ handicapping conditions
- _____ mode of communication
- _____ sensory and performance modalities

_____ Look for characteristics of the tests and techniques which might bias or influence the results, such as:
- _____ purpose
- _____ communication modalities (a) child-test (b) child-examiner
- _____ norms
- _____ reliability and validity
- _____ type of measure
- _____ relevance of items
- _____ scoring criteria
- _____ type of scores

_____ Look for characteristics of the examiner which might bias or influence the results, such as:
- _____ appropriate training
- _____ communication mode and language
- _____ previous experience
- _____ attitudes
- _____ skills
- _____ knowledge

_____ Look for conditions within the assessment situation which might bias the performance
- _____ time of day
- _____ distractions
- _____ testing materials
- _____ inappropriate use of cues
- _____ length of session
- _____ comfort and accessibility of materials
- _____ order of assessment activities

_____ Look for conditions between the examiners and child which might bias the performance
- _____ rapport
- _____ attending behavior
- _____ initial success or failure
- _____ maintaining responding behavior
- _____ communication
- _____ directions, modeling or demonstrating
- _____ dress and/or mannerisms

_____ Try to determine if the child's performance is representative and/or approximates his/her potential
_____ Compare the results of multiple measures

Developed in conjunction with Gloria Harbin, University of North Carolina at Chapel Hill © 1978 Bell & Howell Co. Permission granted for noncommercial reproduction.

Diana vs. Board of Education. The most widely known, and probably most significant case to date is Diana vs. State Board of Education. This was filed in District Court of Northern California in 1970. This case, also known as the Soledad case, was the first of its kind to be filed in the Federal Courts. The suit was filed on behalf of nine Mexican American children, ages 8-13, who came from homes in which Spanish was the predominant, and in some cases, the only language spoken. All had been placed in classes for the mentally retarded after being tested on the Stanford-Binet and Wechsler Scales. After being retested in Spanish, or in a combination of English and Spanish, seven of the nine children scored higher than the cut-off score for placement (which in this case was 70). The other two scored exactly 70, and the ninth student scored three points below the cut-off score. The average gain in score was 18 points. This was in contrast to the original results obtained when the children were tested in English by a non-Spanish speaking examiner and achieved a mean of 63.5 with scores ranging from 30-72. the plaintiffs charged that: 1) the testing procedure utilized instruments which relied heavily on verbal skills in English; 2) the content was culturally biased, having been standardized on white native Americans. Highlighted also was the issue of overrepresentation in EMR classes. Spanish surnamed students in that district constituted about 18 1/2% of the student population, but comprised nearly 33% of the children in the classes for the educable mentally retarded. The case was settled out of court with the following stipulated agreements:

1. All children whose primary home language was other than English, from now on, had to be tested in both the primary language and in English.

2. Children were to be tested only with tests or sections of tests that don't depend on such things as vocabulary, general information and other similar unfair verbal questions.

3. Mexican American and Chinese children already in EMR classes were to be retested and reevaluated in accordance with the first two stipulations just described.

4. Each school district was to submit a summary of the results of the reevaluations, together with a plan listing special aid to be provided each misplaced child to enable him to readjust to the regular classroom.

5. New tests were to be developed or existing tests revised so as to reflect the Mexican American culture. These were to be used only with Mexican American children so that those tested would be compared to the performance of their peers, and not the population as a whole.

6. Any school district showing a significant disparity between the percentage of Mexican American students in its regular classes and in classes for the retarded was to submit an explanation citing the reasons for this disparity.

A time period of two years was provided the defendants to comply with this order. After this time period elapsed the plaintiffs returned to the courts charging that the defendants had not complied with the stipulations. In June of 1973, another stipulation was adopted by the court stating that, although considerable progress had been made in eliminating the excessive percentage of Mexican American children in EMR classes, continued efforts must be made to eliminate these disparities in accordance with a plan and timetable to be determined by the State Department of Education. The court will review the progress of this order in 1978.

Reprinted with permission from "Recent litigation in the placement of minority group children in the southwest", by V. Sierra. Paper presented at the Council for Exceptional Children Convention, April 4-6, 1976, pp. 8-9.

LARRY P. v. RILES

Another important case in this area was *Larry P. v. Riles* (1972), filed as a class action in late 1971 on behalf of six Black, elementary school aged children attending class in the San Francisco Unified School District. It was alleged that they had been inappropriately classified as educable mentally retarded and placed and retained in classes for such children. The complaint argued that the children were not mentally retarded, but rather the victims of a testing procedure which failed to recognize their unfamiliarity with white middle class culture. The tests ignored the learning experiences the children may have had in their homes, the complaint said. The defendants included state and local school officials and board members.

It was alleged that misplacement in classes for the mentally retarded carried a stigma and "a life sentence of illiteracy." Statistical information indicated that in the San Francisco Unified School District, as well as the state, a disproportionate number of Black children were enrolled in programs for the retarded. It was further pointed out that even though code and regulatory procedures regarding identification, classification, and placement of the mentally retarded were changed to be more effective, inadequacies in the processes still existed.

On June 20, 1972, the court enjoined the San Francisco Unified School District from placing Black students in classes for the educable mentally retarded on the basis of IQ tests as currently administered, if the consequence of using such tests is racial imbalance in the composition of classes for the educable mentally retarded.

Reprinted with permission from: Weintraub, F., et al. Public Policy and the education of exceptional children. Reston, VA: Council for Exceptional Children, 1976, p. 11-12.

From Public Policy and the Education of Exceptional Children by F. Weintraub, et al., 1976, 11-12. Copyright 1976 by Council for Exceptional Children. Reprinted by permission.

FIGURE 9–2 Sample Total Service Plan and Individual Implementation Plan

Individual Education Program: Total Service Plan

Child's Name _____
School _____
Date of Program Entry _____

Summary of Present Levels of Performance

Prioritized Long-term Goals

Short-term Objectives	Specific Educational and/or Support Services	Person(s) Responsible	Percent of Time	Beginning and Ending Date	Review Date

Percent of Time in Regular Classroom

Committee Members Present

Dates of Meeting

Placement Recommendation

Committee Recommendations for Specific Procedures/Techniques, Materials, Etc. (include information about learning style)

Objective Evaluation Criteria for Each Annual Goal Statement

Figure 3-2 cont'd.

Individual Education Program: Individual Implementation Plan

(Complete one of these for each goal statement specified on Total Service Plan)

Child's Name _____
School _____
Date of Program Entry _____
Projected Ending Date _____
Person(s) Completing Form _____

Goal Statement: _____

Short-term Instructional Objectives

Behavioral Objectives	Task Analysis of Objectives	Strategies and/or Techniques	Materials and/or Resources	Date Started	Date Ended	Comments

From Functions of the Placement Committee in Special Education. Copyright 1976 by the National Association of State Directors of Special Education, Washington, D.C. Reprinted by permission.

Individual Competencies Needed To Implement P.L. 94-142

Fay B. Haisley
Robert D. Gilberts
University of Oregon

If P.L. 94-142 is to be implemented successfully, education personnel need to acquire certain basic knowledge and teaching skills—competencies good teachers have used for some time.

Many educators have viewed the requirements of P.L. 94-142 and the implied competencies necessary to teach children with learning problems, together with the requirements of due process, as some new conspiracy against them. We believe that good teachers have always used the essential teaching competencies required for successful implementation of P.L. 94-142 and that due process is one of the fundamental protections for a citizen in a free society. We further believe that the artificial gap between regular educators and special educators that has developed over the years, as reflected in past placement practices, must be closed and the skills of each fused, at least at the margins of teaching mildly handicapped children. Each can profit from a rapproachment almost as much as children currently in regular classrooms and those to be mainstreamed might.

What Our Programs Should Provide

School district programs developed to implement P.L. 94-142 will depend in part on school size, level, and location, the strengths and weaknesses of personnel, and the existing program design at each school. Training personnel flexible enough to work in varied programs will require the integration of resources across the traditional, although artificial, barriers between regular and special educators.

A set of checklists has been developed to assist educators in planning programs to focus on the major areas of concern. Inclusion of the competencies listed in preservice and inservice training courses should ensure at least minimal personnel preparation as well as provide for program comparisons within or across teacher educator institutions. Federally funded "deans' grant" projects have, in large part, been developing programs to provide coursework.

Establishing a Knowledge Base

Developing separate categories for *knowledge* and *skills* enables us to indicate more clearly the minimal competencies for personnel preparation. While some skills are related to teaching level, the knowledge base is needed by all school personnel. No hierarchy is implied, but this should be a second step, with ranking based on program goals and/or institutional philosophy.

Developing of Individual Skills

The individual teaching skills to provide effective classroom environments and programs may be less easy to attain in a short time than the knowledge base. Some skill needs are common to all student age groups, while others are more appropriate for elementary or secondary settings.

Due Process

Perhaps the area in which education personnel are least knowledgeable and skilled is the legal provisions established by P.L. 94-142.

Legal History

Simply put, due process requires fairness in dealing with a citizen's right to protest before governments. Although in principle this has always been a citizen right in our democracy, in practice it has been shortchanged. The constitutional basis for due process rights rests in the Constitution's Fifth and Fourteenth Amendments.

The meaning of due process has evolved through litigation in the courts largely begun in the early 1940s. The pace of judicial delineation has quickened in recent years. Space does not allow for an extensive review; Kotin and Eager (1977) provide a rather succinct summary.

As the courts have made the requirements of due process more explicit by finding in favor of plaintiffs in suits involving citizens vs. government, federal and state legislatures have enacted laws, and administrative rules and regulations at various levels of government have been written, that also impose due process requirements.

Philosophical Underpinnings

Aside from the developing realities growing from court decisions and legislative requirements, educators have a moral obligation to treat each child as a unique and important being. There is no line determined by race, sex, or physical or intellectual state that should be used as a basis for ignoring the application of judicious consideration in making decisions that could indelibly mark a person. It is only right that those who have a primary interest, such as the child and the parent, participate with professionals in a process that is

Haisley is chairperson of elementary education, and Gilberts is dean, College of Education, University of Oregon, Eugene.

Reprinted with permission from Journal of Teacher Education, Vol. 29, Nov-Dec., 1978.

Copyright 1978 by American Assn. of Colleges for Teacher Educators

CHECKLIST 1—KNOWLEDGE BASE

What teachers need to know about P.L. 94-142	What level of competence do you expect of your trainees?		
	Can identify source	Can define	Can elaborate
1. Knowledge of laws regarding the handicapped.			
2. Knowledge of handicapping conditions.			
3. Knowledge of P.L. 94-142—terminology and definitions (e.g., "least restrictive environment," "free appropriate public education").			
4. Understanding of appropriate instructional settings for the handicapped.			
5. Knowledge of child evaluation procedures.			
6. Knowledge of procedural safeguards.			
7. Knowledge of IEP (individualized education program) development and implementation.			
8. Knowledge of state and local guidelines for implementation of 94-142.			
9. Knowledge of least restrictive placement possibilities.			
10. Knowledge about related services and their availability.			

ır from objective and not based on some proven ormulation calculated with absolute factors. The ecognition of the supreme worth and dignity of ıe individual consistent with the general welfare nd the common good is the cornerstone of our emocratic system. The "inalienable" rights of fe, liberty, and the pursuit of happiness are the ssence of our legal system. This does not imply ıat educators or children are to be placed in inappropriate positions—only that all parties must be ully informed of potentials as well as limitations f both the child and the educational system and ıat all significant factors must be considered bepre a final decision is reached.

What Education Personnel Should Know

Some aspects of due process are of special interest to education personnel:

1. Parents must be notified in writing that their child has been referred for evaluation and is under consideration for educational placement, or that their request for evaluation has been denied.

2. After a diagnostic process has been completed and a considered course of action proposed, parents must be informed of that decision in writing. (During this process, parent and student involvement in planning and decision making is essential.)

3. Final placement decisions must be provided, in writing, to the parents; they should also be given information on their "due process rights," should they wish to contest the decision at a formal hearing.

4. Most states allow parents to have the child evaluated by an independent agent at the agency's expense if a mutually acceptable evaluator can be identified prior to the initial hearing.

5. Any required hearing is usually held at the local agency level and presided over by an impartial designee of that agency.

6. Most systems allow parents legal representation at such hearings. Prior to the hearing, full access must be provided to relevant school records. Additional evidence can be presented at a hearing, and persons involved in the original decision can be compelled to attend, to be confronted, and be cross examined.

7. Usually an appeal of the final decision to the state educational agency is provided for.

Special education provisions in virtually all states have due process regulations which bind state plans submitted under the Education of All Handicapped Children Act. State guidelines or regulations to implement these requirements are in various stages of development.

Skills Educators Should Develop

Education personnel should be able to:

1. Articulate information related to recent court decisions and their implications.

Aside from the legal requirements of due process, educators have a moral obligation to treat each child as a unique and important being.

CHECKLIST II—INDIVIDUAL SKILLS			
Skills required by elementary and secondary personnel	Does your program include opportunities for personnel to reach competence?		
The ability to:	No	Somewhat	Yes
1. Use resource room materials and staff.			
2. Use peer tutoring, teacher aides, and volunteers.			
3. Use diagnostic and prescriptive techniques.			
4. Participate in, design, and implement IEPs.			
5. Communicate with peers, parents, and pupils.			
6. Monitor individual student progress.			
7. Gather and interpret data about student performance.			
8. Select appropriate curricular materials.			
9. Adapt available curriculum.			
10. Provide small group instruction based on identified student needs.			
Additional skills for elementary educators			
The ability to provide:			
1. Early identification of student needs.			
2. Individualized direct instruction techniques.			
3. Effective organization of the classroom for instruction.			
4. Effective assessment of student strengths and weaknesses.			
5. Effective classroom management skills.			
Additional skills for secondary educators			
The ability to:			
1. Teach the underachieving student.			
2. Use peer tutoring procedures.			
3. Modify strategies to reach content area goals in the areas of materials, expectations, instruction, and student performance levels.			
4. Participate in team approaches to instruction.			
5. Use effective questioning strategies.			
6. Assess student modes of response.			
Additional skills related to IEPs			
Teachers should be able and expected to:			
1. Screen: Identify students with possible problems.			
2. Refer: Identify students who may need special support services.			
3. Comply with the law requiring nondiscriminatory testing and parent permission for individual evaluation.			
4. Compile information related to students' educational, emotional, and physical functioning.			
5. Ensure that due process procedures have been met in determining child's eligibility for special services.			
6. Meet with parents to share assessment and evaluation data.			
7. Participate as a team member in the development of IEPs.			
8. Provide goals, objectives, and minimal competence criteria appropriate to a child's needs.			
9. Implement the IEP developed by the school team for students in the classroom.			
10. Monitor student progress to ensure that goals and objectives are appropriate and being carried out and that progress is evident.			

2. Prepare placement recommendations and program justifications adequately supported by documentation in a complete but concise and logical manner.

3. Develop skills in the use of procedures necessary to conduct a contested case hearing in an appropriate manner.

4. Maintain a professional posture as an expert witness in circumstances that may be threatening.

5. Accept an external review process with good grace. This ability comes from an understanding of the philosophy behind the requirement and a sense of security in the process.

In evaluating trends in due process requirements as they are developing in various states, it is appropriate that educators view these requirements as positive and constructive steps in a serious decision-making process rather than an adversarial proceeding. Accepting this concept will not be easy; all too often such proceedings are viewed as personal attacks. As attorneys do in court proceedings, educators must come to accept due process as an important part of a problem-solving system. Having said that, it also behooves educators, in the interest of community harmony and conservation of time and financial resources, to learn how to plan and implement decisions in such a way to avoid the heed to use the full range of due process requirements. Basically, this involves competent professional data gathering and analysis and good communications with students and parents in the initial stages of the decision-making process. When this is not possible, due process can be used to resolve remaining issues.

Implications for Teacher Education

We have attempted to list the competencies school personnel need if P.L. 94-142 is to be implemented in a positive and realistic manner.

Inservice workshops and coursework for educators already in the school system have mushroomed throughout the country, and many teachers have taken the opportunity to update their knowledge and skills. It appears that the movement toward increased knowledge and skills *about* P.L. 94-142 and its implications for regular teachers at preservice institutions is lagging behind.

One reason could be that those of us who teach teachers are not on the "firing line"—and change in an institutional setting may be more conservative and slow. Yet, P.L. 94-142 probably will provide the most challenging changes in history for educators and for children.

A first step toward change should be inservice training for college faculty so that they too are knowledgeable about P.L. 94-142 and its implications for changing organizational patterns in local schools. A second step should be toward integrating the knowledge and skills of regular and special educators so that they are better prepared to teach preservice students. Third, and finally, we teacher educators should become involved with school programs and the children in our schools for whom the law was intended. As one of our students recently wrote, "Mainstreaming—one helluva lot of work for us teachers, but it sounds like a darn good deal for kids." It can be.

As one student in teacher education remarked: "Mainstreaming—one helluva lot of work for us teachers . . . but a darn good deal for kids."

Reference

Kotin, L., & Eager, N. B. *Due process in special education: A legal analysis*. Cambridge, Mass.: Research Institute for Educational Problems, 1977.

CASE STUDY - A

Richard Johnson

Age: 11

Grade: 5

Birthday: 10/10/70

Richard is the youngest of three children and currently lives with both parents. Mr. and Mrs. Johnson reported that they have initiated proceedings for a legal separation. Custody decisions have not been made at this time. Richard is a very active child, but he can control his activity level with supportive help from the instructor.

Mrs. Barnes, Richard's teacher, reports that Richard performs significantly below grade level expectation in both reading and spelling. He has great difficulty with all academic areas related to reading. In two years he has shown less than a year's growth in reading. This seems to affect his feelings about himself; he worries about his poor reading. Richard has been receiving extra help in reading since last fall, but is not making progress. He receives medication to control attention and behavior; this seems to help. He has difficulty remembering names of people and things; reads in a halting manner. Word attack skills are poor, and he does not seem to hear beginning sounds. Richard is an active participant in the

physical education program and in after-school sports. He has many friends and his peer group admires him tremendously.

Mr. and Mrs. Johnson reported that they were not aware of Richard's academic problems until the fourth grade. His teachers had not reported that he was having any difficulty. He was not an excellent student but had completed each level. Mrs. Johnson reported that they had noticed that Richard avoided reading at home, but they felt he just preferred other subject areas. This year he seems to become upset easily when school work or home work is mentioned.

Diagnostic Information

The scores obtained are as follows:

Wide Range Achievement

Reading	2.5
Spelling	2.2
Arithmetic	4.6

Informal Assessment

A. Precision Timings:

Sounds - 40/8 errors - 1 minute

Blends - 30/10 errors - 1 minute

Vocals - 20/80 errors - 1 minute

Words (CVC)--e.g., man, sat, rug (first 20 words/10 errors)

Dolch words--50 words/12 errors

B. Reader Inventory. Richard read 85-90% up through 1st grade basal. He could not read 85% on 2nd grade basal.

C. Distar Format. Richard could not do sequencing, rhyming, and blending to criteria. He could not spell by sound.

Diagnostic Summary

Richard demonstrates reading skills two and a half years below his academic grade placement. He experiences difficulty with word attack skills, comprehension, and spelling.

Arithmetic, fine and gross motor skills are within normal range.

It is recommended that Richard receive help from the reading specialist. Consultation with Mrs. Barnes should be provided to aid in implementing an instructional plan for Richard.

Suggested Goals:

1) Learn basic word attack skills
   a) Student will decode with 90% accuracy the words of CVC (consonant-short vowel-consonant) pattern on a teacher-made list.
   b) Student will read orally from a second grade basal reader with a minimum of 3 errors per page.
2) Improve Comprehension Skills
   a) Student will demonstrate improved comprehension skills by scoring a minimum of 90% on Distar II Mastery Test.
   b) Student will score a minimum of 90% on written questions from teacher-developed material.
3) Improve Spelling Skills
   a) Given a list of 20 CVC pattern phonetic words, student will spell 80% of the words correctly.
   b) Student will write five word sentences from basal 2nd grade speller using initial capital letter and period; student will have 90% accuracy in spelling.
4) Improve self-concept
   a) Student will show a positive change on a teacher-designed inventory for self-concept.

CASE STUDY - B

Sharon Bates

Age: 8

Grade: 3

Birthday: 6/2/72

Sharon is an alert, well-liked little girl. She is the oldest of two children and lives in a single parent home. Mrs. Bates, Sharon's mother, reported that Sharon started to talk very late, but has shown gains in speech. She enjoys books, dolls, puzzles and playing outside.

Mrs. Jones, Sharon's teacher, reported that Sharon has great difficulty with memory skills and in producing speech for conversation. When Sharon is asked to recall the meaning of a short paragraph that has just been read to her, she cannot remember the names of the characters or the sequence of events. When she is able to respond to questions, the answers are usually only two or three words in length. During class, Sharon avoids as many verbal communication situations as possible. Sharon appears to be very motivated, but is often frustrated by her language difficulties. Mrs. Bates reported that Sharon's verbal communication skills have always been poor, but felt initially that she would catch up. Improvements in speech skills have increased significantly although Sharon is still experiencing difficulty in this area. Mrs. Bates has noticed in Sharon many of the problems indicated by Mrs. Jones, namely,

confusion when given oral directions and the inability to follow through when she is asked to do a task. Sharon becomes very frustrated when she cannot get things right and has noticed that her younger sister talks much better than she does.

Mrs. Bates is concerned about what can be done to improve Sharon's school work, lessen her frustration, and improve her speech.

Diagnostic Report

Speech Clinician

The following tests were administered:

Test of Language Development	
receptive language	6 yr. 0 months
expressive language	3 yrs. 7 months
Goldman Fristoe Test of Articulation	age appropriate
Carrow Elicited Language Inventory	3 yrs. 2 months
Auditory Memory	
digits	4 year level
sentences	3 year level

Sharon demonstrates difficulty in the recall and expression of words and sentences. She is unable to remember major events when short paragraphs are read to her. Expressive language skills were characterized by sentences of two to three words in length. Many grammatical structures are often omitted, distorted, or used incorrectly. For example, when asking questions she will ask, "What this is?" She experiences difficulty in ordering syllables for correct word production (for example: racamoni for macaroni).

Diagnostic Report

(Educational Evaluation)

The following scores were obtained:

	Grade Level
Reading	2.3
Mathematics	3.4
Spelling	2.0
Listening comprehension	1.5
Fine Motor	Age appropriate

Diagnostic Summary

Sharon is functioning at grade level in mathematics and fine motor-skills. She is experiencing difficulty in academic areas which relate to her language problem. She demonstrates a moderate delay in receptive language skills and a severe delay in expressive language skills. Sharon's language problems are characterized by the use of short, incomplete phrases. She has great difficulty in ordering syllables for correct word usage and in ordering words for complete structured sentences.

It is recommended that Sharon receive speech therapy twice a week and that structured in-class and home instructional plans be initiated.

Suggested Goals

1) To increase spoken sentence length and complexity

   a) Student will be able to use 4-5 word sentences 90% of the time.

   b) Student will use sentences with a variety of grammatical structures 90% of the time. (For example: "boy is eating food" and "The boy is eating.")

2) To increase recall of spoken material

   a) Student will be able to correctly recall (80% of the time) two or three main ideas in short paragraphs read to her.

   b) Student will be able to follow simple instructions 75% of the time at home and school.

3) Demonstrate mastery of prerequisite spelling skills

a) Given syllables dictated one at a time, the student will correctly say each sound in a syllable with an obvious pause between sounds. This will be done with 80% accuracy taking no more than 15 seconds per syllable.

b) Given sounds dictated one at a time, the student will correctly write the letters that make each sound. This will be done with 80% accuracy taking no more than 20 seconds.

CASE STUDY - C

Leonard Brown

Age: 12

Grade: 6

Birthday: 3/5/69

Leonard lives with both parents and is the oldest of four children. He began experiencing mild academic problems during the second grade, but was able to maintain moderate success in school. He began to fall behind his peers during the fourth and fifth grades.

Leonard's teacher Mrs. Ross reported that he has difficulty in following directions, remembering a series of activities, and following written directions. He works well in mathematics and is very excited about working in that area. He has very poor reading skills. Mrs. Ross voiced concern about his frequent outbursts in class and what she regards as an uncontrollable temper. He is often agressive and physical with his classmates. She feels that he attempts to challenge her authority.

Leonard's parents are aware that he has not been doing well in school and want to see improvement in his school work. They feel that he is capable of doing the work, but needs help to improve. Mr. and Mrs. Brown are very concerned about the teacher's

report of unruly behavior in class. They feel that Leonard often "acts up" and "clowns" in class because he is sensitive about his poor school work. At home they have noticed that he will "clown" or "talk back" if someone questions him about his homework or school work. Mrs. Brown reported that Leonard can sometimes be difficult to handle, but that he is a good youngster.

Diagnostic Information

Leonard was assessed in the following areas:

Tests Administered:		Grade Level
PIAT:	Mathematics	6.2
	Word Recognition	2.6
	Reading Comprehension	4.8
	Spelling	2.5
	General Information	5.7
Informal Assessment:		
	Reading	
	Decoding Level	2
	Comprehension Level	3
	Study Skills Level	5

Diagnostic Summary - Present level of functioning

Leonard is functioning at or near grade level in general information and mathematics. He demonstrates severe reading difficulties characterized by decoding and comprehension difficulties. In addition, he demonstrates problems with writing, spelling, and oral vocabulary skills. He appears to lack adequate study skills. Behavior difficulties have been reported in the class.

It is recommended that Leonard remain in the regular class setting with daily (1 hour) resource assistance in reading and spelling skills. In addition, a behavior management program should be set up between Mrs. Ross and Leonard to decrease aggressive and unruly behavior in class.

SUGGESTED GOALS

1) Demonstrate increased reading comprehension.

   a) Given reading material at the 4th grade level, the student read orally with 80% accuracy.

   b) Given 4th grade reading materials, the student will be able to answer with 80% accuracy, main idea, detail and inference questions orally and in writing.

2) Demonstrate increased spelling skills.

   a) The student will demonstrate knowledge of steps to phonetically spell unknown words.

   b) The student will be able to spell 80% of the 4th grade level words correctly by the end of the school year.

3) Demonstrate increased cooperative behavior with teacher and peers. A contractual behavior agreement will be developed with Leonard and Mrs. Ross to alleviate behavior problems in class.

Responsibilities of IEP Committee Members

Title/Role	Responsibilities
Chairperson	1. Coordinate committee 2. Communicate with parents 3. Facilitate group decision making 4. Supervise record-keeping procedures 5. Ensure due process procedures 6. Chair committee meetings
Administrator	1. Provide input on capabilities of the school system 2. Provide support for implementation 3. Make scheduling arrangements for committee members
Referring Teacher(s)	1. Provide input on performance 2. Provide input for development of IEP
Teacher(s) of Exceptional Children	1. Define capabilities and constraints of present special education program 2. Provide input for development of IEP
Parents/Child	1. Provide information concerning home situation 2. Provide input for development of goals for the child 3. Provide support for child evaluation and planning placement
Recorder	1. Keep an accurate record of committee meetings 2. Maintain a file of proceedings/decisions
Consulting Specialist (guidance counselor, speech therapist, social worker, psychometrist, curriculum specialist, audiologist, etc.)	1. Provide specific input for describing child's performance 2. Make recommendations for educational program

Discussion of Committee Members Input

PL 94-142 provides for flexibility in the makeup of the IEP committee. The provisions indicate the minimum number and makeup of the committee, however, larger and more varied committees are possible depending on individual situations. Handout III-3 provides a listing of IEP Committee Members and their roles. This listing represents a conceptualized model for IEP committees that is not found in real situations. For example, a recorder, to write down the details of the meeting is rarely used. The responsibility of recording the conference falls to other individuals present, usually the school's representative or chairperson.

A discussion of the roles of members most often present in IEP conferences follows:

CHAIRPERSON

The chairperson coordinates the total functioning of the conference. This individual facilitates group discussion and decision making among the professionals and the parent(s). The chairperson ensures that the meeting and instructional planning adheres to due process safeguards for the parents and the child. The administrator or representative of the school system, often functions as the chairperson for the committee. In addition to coordinating the meeting he/she can provide input on the programs and services offered by the school system. This individual also coordinates the scheduling of the conference

participants and provides support or supervision for the implementation of the IEP.

REFERRING TEACHER

The referring teacher is usually the only individual who has information on the day-to-day functioning of the child in the school setting. He/she provides information on how the child performs in the class, his/her possible strengths/weaknesses, and the activities or procedures that work well with the child. Specific input on suggested goals and objectives for the instructional plan are also provided by the teacher.

PARENTS/CHILD

The parents can provide valuable input that cannot be provided by other individuals present, namely, what the child is like at home. Information pertaining to behaviors present in the home, the child's responses in family and community settings, and concerns regarding their child's education are some of the types of information parents should give. Minority parents, in particular, should indicate cultural values and expectations that are prized in their homes and communities. Parents should suggest or respond to goals and objectives that may become a part of their child's instructional plan. In addition, parents can serve as advocates to ensure correct evaluation and placement procedures for their child.

OTHER INDIVIDUALS

Other individuals can participate at IEP meetings at the discretion

of the parents and the school system. Individuals who could serve on the committee under this heading could include: consulting specialist such as Speech Therapist, Social Workers, Evaluation Personnel, Special Educators, etc. These individuals provide specific information pertaining to the child's abilities and their specialty area. They may interpret the child's test scores (if applicable) and make recommendations for the instructional program being developed. In addition to the persons listed above, parents may also invite a friend, family member, or advocate if they so desire.

CONGRESSIONAL ACTS TO PROTECT THE RIGHTS OF BLACKS

- The Freedman's Bureau Bill provided for the education of blacks.

- The Civil Rights Act of 1866 declared that all persons born in the United States were citizens and entitled to every right that is enjoyed by white citizens without regard to race and color.

- The Fourteenth Amendment (1868) gives due process and equal protection under the law to all citizens.

- The Civil Rights Act of 1871 protects the voting rights of Blacks.

- The Civil Rights Act of 1875 provides that all persons without regard to nationality, race, color, or religion are entitled to the enjoyment of public accommodations, advantages, and facilities and have the right to serve on juries.

Sections 1 and 5 of the Fourteenth Amendment

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny any person within its jurisdiction the equal protection of the law.

* * *

The Congress shall have power to enforce this article by appropriate legislation. (Darck, et al., 1950)

MAJOR COMPONENTS OF

PUBLIC LAW 94-142

EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975

* A FREE APPROPRIATE PUBLIC EDUCATION

* LEAST RESTRICTIVE ENVIRONMENT

* NONDISCRIMINATORY TESTING

* DUE PROCESS

* INDIVIDUALIZED EDUCATION PLAN

RIGHT TO EDUCATION MOVEMENT
for the
HANDICAPPED (overview)

TP-4

NAME	PLACE	ISSUE(S) INVOLVED	DECISION/SETTLEMENT	COMPONENT P.L. 94-142 IMPACTED
Brown vs. Board of Education of Kansas (1954)	Kansas	• Separate schools for blacks and whites were not equal • Denial of equal protection under the law	Segregation declared unconstitutional	Free appropriate education in least restrictive environment (LRE)
PARC vs. Pennsylvania Board of Education (1971)	Commonwealth of Pennsylvania	• Severely handicapped were excluded from school. Denial of equal protection under the law	Provisions of education for all handicapped children in Pennsylvania	• Free appropriate education for handicapped children • Guaranteed equal protection under the law and due process
Wyatt vs. Stickney (1971)	Alabama	• Right to treatment • Right to treatment in the least restrictive environment	• More staff • More rehabilitation services • Deinstitutionalization	• Appropriate education and related services • Due process • LRE
Mills vs. Board of Education (1972)	District of Columbia	• Exclusion of some handicapped children from school because of lack of funds • Equal protection under the law • Due process	• All handicapped regardless of nature and severity must be provided opportunity to be educated • Divide available funds equally among all	• Due process • Equal protection
PL 93-112 Section 504	U.S.	• Accessibility • Discrimination on the basis of physical or mental handicapped • Due process	• Provide access to all handicapped students • Integration where possible of handicapped and non-handicapped	• Due process • LRE • Equal protection • FAE